

HONG KONG.

RETURN to an Address of the Honourable The House of Commons,
dated 14 July 1858;—for,

“COPIES or EXTRACTS of CORRESPONDENCE between the Colonial Department and the Governor of Hong Kong, and between the Colonial Department and the Foreign Office, on the subject of EMIGRATION from HONG KONG, and from the CHINESE EMPIRE to the BRITISH WEST INDIES, and to FOREIGN COUNTRIES, and their POSSESSIONS, since the 1st day of January 1853.”

Colonial Office, }
21st July 1858. }

CARNARVON.

PART I.

(*Mr. Hamilton.*)

Ordered, by The House of Commons, to be Printed,
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SCHEDULE.

PART I.

CORRESPONDENCE between the COLONIAL DEPARTMENT and the GOVERNOR of HONG KONG.

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* Note.—The previous correspondence relative to Chinese emigration to the West Indies, will be found in the House of Commons Paper, No. 986, August 1853. See page 126 of that Paper, relative to the ship "Emigrant."

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* Note.—The previous correspondence respecting Mr. White's mission as emigration agent for the West Indies is contained in the Papers presented to Parliament by Her Majesty's Command, in 1853 and 1855.—“Emigration from China.”

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PART I.

Correspondence between the Colonial Department and
the Governor of Hongkong.

HONGKONG.

No. 1.

No. 1.

COPY of DESPATCH from Acting Governor JERVOIS to his Grace the Duke
NEWCASTLE.

(No. 35.)

Victoria, Hongkong, May 17, 1853.

(Received August 5, 1853.)

(Answered, No. 26, September 9, 1853, page 3.)

Nos. * 1 to 4.

MY LORD DUKE,

I HAVE the honour to transmit, for the information of your Grace, the proceedings of a Commission which, with the advice of the Executive Council, I appointed to inquire into the particulars of a serious outbreak of disease, attended with considerable mortality, amongst the Chinese passengers on board the ship "Emigrant," bound from Whampoa to Demerara, and which had put in here for the purpose of completing her crew.

2. In laying the Report of the Commission, as well as the documents connected therewith, before your Grace, I beg respectfully to call attention to the precautionary measures proposed by the Commission for ensuring the health and comfort of the Chinese emigrants, as such, I think, ought invariably to be adopted on future occasions.

3. I would beg to submit, that it is absolutely necessary that all shipments of coolies should be attended with governmental supervision, and that an establishment for this purpose should be specially appointed. I am further of opinion that as much care and caution should be used in shipping coolies from hence to our colonies as are usually adopted with regard to our own troops, bearing in mind the prejudices of the coolies, to whom the nature and extent of their expected voyage, description of diet, and discipline of the ship, should be especially explained through an efficient interpreter. In the present instance the majority of the coolies were apparently in a state of utter ignorance on these points, and were grossly imposed upon by the brokers (their own countrymen) in a most fraudulent manner.

4. The proceedings fully show the kind and liberal intentions of the shippers, Messrs. Turner and Co., for contributing to the best of their ability in providing everything they considered necessary for the well-being and comfort of the emigrants; but the great error has been in appointing agents to see measures carried out which require close and minute European supervision. In fact, such supervision is absolutely necessary for the cause of humanity, for not only would it prove beneficial to the coolies, but would greatly tend to establish that feeling of confidence on the part of the emigrants towards our people which is so essential in such cases.

5. The Commission have in their able reports embraced everything of importance, and therefore any further remarks from me are almost superfluous. I shall therefore conclude by hoping that the labours of this Commission may meet with the approval of your Grace, and their zealous observations tend to the embodying of rules and regulations for the guidance of all shippers of coolies to the colonies, so as to guard against a recurrence of the tragedies which have so very recently occurred on board of several vessels, and which are too fearful to contemplate.

6. Your Grace will perceive that happily the intended voyage of the "Emigrant," has been abandoned, and the surviving coolies sent back to their homes by the agents of the vessel, Messrs. Turner and Co.

7. Trusting that the steps taken by me on the important question of the Chinese emigrants will meet with the approbation of your Grace.

I have, &c.

His Grace the Duke of Newcastle,
&c. &c. &c.

(Signed) W. JERVOIS.

* These documents being extremely voluminous are not printed, but a full statement of their contents will be found embodied in the Emigration Commissioners Report, dated August 19, 1853, and printed at page 3.

No. 2.

No. 2.

COPY of DESPATCH from his Grace the Duke of NEWCASTLE to Governor
Sir GEORGE BONHAM.

(No. 26.)

SIR,

Downing Street, September 9, 1853.

I HAVE carefully considered your despatch, No. 35,* of the 17th of May last, accompanied by the proceedings of a Commission which you had appointed to inquire into the particulars of an outbreak of disease on board the ship "Emigrant," bound with Chinese passengers from Whampoa to Demerara. * Page 2.

Having also called upon the Emigration Commissioners for a Report on this subject, I enclose a copy of their reply, and have to acquaint you that I concur, generally, in the conclusions at which they have arrived.

August 19, 1853.

With regard, however, to the measures to be taken for encouraging Chinese emigrants to the West Indies to make Hongkong their place of departure, and with reference more particularly to the question of, with this view, limiting the allowance of space to 12 feet for each passenger, I shall have occasion to address you in a separate despatch.*

* See Page 5.

I have, &c.

Governor Sir G. Bonham,
&c. &c.

(Signed) NEWCASTLE.

Enclosure in No. 2.

Encl. in No. 2.

SIR,

Colonial Land and Emigration Office,
August 19, 1853.

WE beg to acknowledge your letter of the 11th instant, enclosing a despatch from the Governor of Hongkong respecting the sickness and mortality which occurred on board the ship "Emigrant," carrying Chinese from Whampoa to Demerara, and the ultimate abandonment by that ship of her voyage.

2. The "Emigrant" was chartered by Messrs. Turner and Co., under directions from Messrs. Hyde, Hodge, and Co., not, as supposed, by the authorities at Hong Kong, under agreement with this Board, but in order to obtain the bounty promised by a colonial proclamation to the importers of Chinese labourers.

3. She left Whampoa in the afternoon of the 24th of April, with (as far as can be ascertained) 350 coolies on board. At 7 a.m. on the next day the mate was informed that one of the passengers was dead; and the medical officer found, on examination, that the man had apparently died of fever, and that there were on board several cases of a remittent type, and some of a typhoid character. Before reaching Hong Kong on the 27th of April the number of cases had increased to 30, and shortly after arrival two more died. An inquiry was immediately instituted; the sick were taken to hospitals on shore; and on the 9th of May it would seem that 70 persons had been thus sent to hospital, of whom 63 were fever cases, and six had terminated fatally. Up to the 14th the number of patients was increasing, and the disease becoming more malignant; and on that day ten new cases were sent to hospital. The coolies were becoming very much discontented and excited, as well (it may be supposed) from this cause as because many of them were deprived of their customary use of opium, and (as they stated) had been misinformed as to the terms of the contract, which they (or some persons for whom they had been substituted) had signed. Under these circumstances it appeared that the voyage could not be safely prosecuted, and it was accordingly abandoned.

4. A searching inquiry, however, had meanwhile been instituted into the treatment which the emigrants had received both before and after their embarkation. The committee of inquiry was composed of the chief magistrate, the harbour master, the colonial surgeon, and two other medical men, and a number of the emigrants were examined by the official interpreter, Mr. Caldwell.

5. Although the arrangements were, in some respects, defective, and the officers appear not to have enforced cleanliness and order with sufficient vigour, the committee state, that Messrs. Turner and Co., the charterers, "appeared to have been very desirous that nothing should be wanting on their part to secure the health and comfort of the passengers." The Governor observes, upon their "kind and liberal intentions," and they appear to have acted frankly and at once on all the suggestions of the authorities.

(250.)

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The case, therefore, may be considered merely as it furnishes a guide for the future conduct of the emigration.

6. The sickness is ascribed by the committee to the crowded state of the ship, the want of sufficient ventilation, the uncleanness of the coolies, the omission to bring the people from time to time on deck, the change of air (which is said frequently to produce fever in vessels leaving Whampoa), and of diet, and finally, among those who were addicted to opium eating, the sudden discontinuance of that indulgence; and on these opinions, the committee found various suggestions applicable some merely to the case of the "Emigrant," some generally to the conveyance of Chinese.

7. The examination of the coolies also elicited the fact, that several of them were unfit for emigration, and that many if not all had been more or less cheated and deceived by the Chinese agents employed to collect them; and on this point it is evident that some precautions will be necessary on the renewal of emigration.

8. First, as to the conveyance of the emigrants. At the present moment the most important, or at least the most pressing question raised by the Committee, respects the space allowed for the passengers. The space actually allowed was 12 feet; but the committee express their opinion, that, "bearing in mind the unfavorableness of the season," (the south-west monsoon having then commenced), "and the probable length of the voyage in consequence, the space allotted for each cooley should not be less than 15 superficial feet." As Dr. Morrison elsewhere expresses his opinion, that the space allowed was too small, and as the sickness is ascribed in part to overcrowding, this raises a doubt whether the Governor of Hong Kong could properly be instructed to give effect to the Act of Parliament, which enables him to reduce the space required for orientals sailing from that port to 12 feet per adult.

9. We think, however, that the present case does not afford sufficient reason for enforcing the larger allowance of space. Considering that several cases of fever broke out before the vessel had been 24 hours at sea, it appears impossible to suppose that the crowded state of the vessel had anything to do with the commencement of the disease; and it is remarkable that the disembarkation of a large number of the emigrants had no sort of effect in checking its progress. It is indeed true that the history of last year's emigration at one time appeared to indicate that the larger space was requisite, the "Australia" (where that space was allowed) having been the first ship which reached the West Indies without a great loss of life. But since that time two Chinese ships have arrived in Trinidad in which 12 feet only was allowed,—the "Lady Flora Hastings" and the "Clarendon." In the former the mortality was not extraordinary, and in the latter it was remarkably small, being even less than in the "Australia." Finally, we have already observed that, although, from the continual recurrence of cholera, considerable loss of life has occurred in many of the Calcutta cooley ships, yet the health of the emigrants constantly improved during the voyage from that port (showing that no continuing cause of disease was at work); while in the Madras emigration, in which no such exceptional cause of mortality occurred, the average amount of deaths was no more than 2.31 per cent.

10. For these reasons, we are disposed to believe that the allowance of 12 feet, with proper precautions as to ventilation, cleanliness, and exercise, would be sufficient during any period of the year, and certainly that it should be at present allowed during the prevalence of the north-east monsoon.

11. On this point we should be most anxious to receive the Duke of Newcastle's instructions, as his Grace's decision will very materially affect the rate at which we may be able to take up vessels, or indeed might make it impossible to charter any on terms to which the West India colonies would consent.

12. The other points suggested by the committee in respect to the conveyance of emigrants are principally matters of detail. Omitting those that have reference to the special case of the "Emigrant," they are to the effect that ships leaving China during the south-west monsoon should be provisioned for six months; that various arrangements of convenience should be made in the fittings, and provision made, by the appointment of headmen and cooks and barbers, for the discipline of the people, for their washing, for airing themselves and their beds, cleaning the decks, and cooking tea and other provisions; that the regulations, scale of provisions, &c., be posted up in Chinese; and that the captain should be instructed as to the treatment of the emigrants, and (if necessary) their punishment, through their countrymen.

13. With regard to the selection of emigrants, the committee consider it inevitable (as it clearly is) that this should be carried on through Chinese agents. Nor would it be possible to guard against a certain amount of abuse in transactions between parties of whom each is probably anxious to overreach the other; the agent, by intercepting part of the payments due to the emigrant; the emigrant, by absconding when he has received any part of his advances. In the present case it would seem (if the statements of the emigrants are to be believed) that they had misapprehended the date from which their wages were to run, and had been cheated of the greater part of their advances; that a clause promising a back passage after five years had been interpolated into their agreement; and, finally, that few knew where they were going, and a large number were not willing to go to Demerara. Considering the circumstances under which this question was put to them, it is rather surprising that any should have been ready to proceed than that

the majority should have been unwilling. But the examination proves the necessity, (as suggested by the committee,) of instituting an inquiry, under the supervision of the emigration officer, into the circumstances of each person emigrating, and ascertaining whether he has really consented, with an understanding of what he is about, to emigrate to the West Indies on the terms contained in the indenture. The committee also suggest (with Governor Barkley), that opium-eaters should not be selected for emigration, there being plenty of persons ready to go who are not infected with that vice; and they suggest the necessity of sending females. On this we can only add our concurrence in both suggestions, and our satisfaction at perceiving that they do not treat the latter as impracticable.

14. It will of course form part of Mr. White's duties to give effect to these suggestions, (which, indeed, he has in a great measure anticipated,) or such a modification of them as shall appear most practicable; and, with this view, we shall, unless the Duke of Newcastle should disapprove that course, communicate to him a copy of the committee's report before he leaves England.

15. We have only to add that it appears from Mr. White's letter of the 9th of April 1853, (Correspondence relative to Emigration of Chinese Coolies, pp. 136, 138, 139,) that two interpreters who were engaged to go by the "Emigrant" to Demerara and Trinidad respectively will have been left at Hong Kong. As Mr. White will probably leave England at the beginning of next month, it would be advisable that, if these persons have not left the colony, they should be detained till his arrival, when some arrangement may be made for forwarding them.

Herman Merivale,
&c. &c. &c.

We have, &c.
(Signed) T. W. C. MURDOCH.
FREDERIC ROGERS.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. the DUKE of NEWCASTLE
to Governor Sir G. BONHAM.

(No. 25.)

SIR,

Downing Street, September 9, 1853.

I ENCLOSE for your information the copy of an Act passed in the recent session of Parliament, by which the Governors of the Colonies are empowered to declare by Proclamation that in vessels sailing from ports within the limits of their respective governments, a space of 12 instead of 15 feet should suffice for natives of Asia or Africa, who were to be conveyed through the tropics. 16 & 17 Vict. c. 84

The long and extensive experience which has now been had of the introduction of coolies from India into the West Indies at the rate of one for every 12 feet, justifies the conclusion that that allowance of space is compatible with the preservation of the health of the passengers on board ship.

From China itself the experience has been too limited to support any general conclusion, but the healthiest ship which has yet reached the West Indies with Chinese emigrants contained one for every 12 feet, and I think that, looking to the wide extent of the analogous emigration from India, the experiment may very properly be tried of adapting the same rule to emigration from Hongkong.

I have therefore to recommend you to make use of the power conferred upon you by the recent Act, and to issue a Proclamation declaring that, during the north-east monsoon at least, 12 instead of 15 feet shall be a sufficient allowance of space for any natives of Asia or Africa who may be conveyed from Hongkong through the tropics.

I have permitted the Emigration Commissioners to make their agreements respecting some vessels which they have engaged in this country for the conveyance of Chinese emigrants from Hongkong, on the assumption that you will issue the proposed proclamation.

Governor Sir G. Bonham,
&c. &c.

I have, &c.
(Signed) NEWCASTLE.

No. 4.

No. 4.

COPY of a DESPATCH from Governor BONHAM to his Grace the
Duke of NEWCASTLE.

(No. 4.)

Victoria, Hongkong, January 6, 1854.

(Received March 6, 1854.)

MY LORD DUKE,

* Page 5.

I HAVE the honour to acknowledge the receipt of your Grace's despatch No. 25 * of the 9th of September last, enclosing copy of Act 16 & 17 Vict. c. 84., and recommending that the powers therein conferred on the Governors of British Colonies be availed of, and a proclamation, declaring that 12 feet instead of 15 feet be a sufficient allowance of space for any natives of Asia or Africa who may be conveyed through the tropics, be issued.

I have in consequence issued a proclamation in conformity with the views contained in your Grace's despatch, and I have now the honour to enclose an attested copy thereof.

Acting on the principle observed at New South Wales in reference to the Act passed in the 15th and 16th years of Her Majesty's reign, commonly called the "Passengers Act, 1852," I have embodied in the proclamation the requirements of both Acts. The provisions that have been made in conformity with the first-mentioned Act cannot, however, be strictly adhered to, for if it was attempted to enforce them in this colony they would be immediately evaded by the masters and consignees of vessels removing them either to Kowloon, a Chinese port not above three miles distance from the anchorage of Hongkong harbour, or to Macao, Whampoa, Cumsingmoon, or some other Chinese port in the vicinity; a measure which would effectually prevent all interference of any British authority, and at the same time be detrimental to the interests of the colony.

I may as well remark that at present there appears no immediate chance of procuring coolies for the West Indies where they cannot be conveyed with advantage to the shippers, so long as freight of vessels remains at its present high rate.

I have, &c.

His Grace the Duke of Newcastle,
&c. &c. &c.

(Signed) S. G. BONHAM.

Encl. in No. 4.

Enclosure in No. 4.

PROCLAMATION.

By his Excellency Sir Samuel George Bonham, Baronet, Knight Commander of the most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of Hong Kong and its dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and chief superintendent of the trade of British subjects in China.

Whereas by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the fifteenth and sixteenth years of Her Majesty's reign, intituled "An Act to amend and consolidate the laws relating to the carriage of passengers by sea," it is amongst other things enacted, that it shall be lawful for the Governor of any of Her Majesty's possessions abroad, by any Proclamation to be by him, from time to time, issued for that purpose, (which shall take effect from the issuing thereof,) to declare what shall be deemed for the purposes of the said Act to be the length of the voyage of any ship carrying passengers from such possessions to any other place whatsoever, and to substitute for the articles of food and provisions specified in the said Act, such other articles of food and provisions as he shall deem to be a full equivalent for the same; and also to declare what medicines, medical instruments, and other matters shall be deemed necessary for the medical treatment of the passengers during such colonial voyage.

And whereas also by a certain other Act of the said Parliament passed in the seventeenth and eighteenth years of Her said Majesty's reign, intituled "An Act to amend the Passengers Act, 1852, so far as relates to the passages of natives of Asia or Africa, and also passages between the island of Ceylon and certain parts of the East Indies," it is amongst other things enacted, that it shall be lawful for the Governors of Her Majesty's possessions abroad, if they shall think fit, to declare by Proclamation that ships intended to pass within the tropics, from any ports within their respective Governments, may convey passengers being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck, instead of one for every fifteen such superficial

feet, as required by the 12th section of the said "Passengers' Act, 1852." Now, therefore, I, Sir Samuel George Bonham, Bart., the Governor aforesaid, by this my Proclamation, issued for that purpose, do declare that the following shall be the rule of computation by which the length of the voyage of any ship carrying passengers from Hongkong to the several places herein-after enumerated shall be computed, for the purposes of the said recited Act, that is to say;

Passage from Hongkong to the under mentioned Places for Ships propelled by Sails.	In the Months.	
	October to March.	April to September.
	Both inclusive.	
	Days.	
California, or West Coast of America, north of the Equator -	100	75
West Coast of America south of the Equator -	120	120
Sandwich Islands -	75	56
New Caledonia, New Hebrides, Feejee Islands, Tahiti, Society or Friendly Islands -	100	100
Sydney, Melbourne, or South Australia -	60	80
Western Australia -	45	60
Van Diemen's Land -	65	80
New Zealand -	75	90
Manila -	20	20
Singapore -	20	45
Batavia -	30	60
Ceylon -	45	70
Madras or Calcutta -	50	75
Bombay -	60	80
Mauritius, or Bourbon -	60	80
Cape of Good Hope -	65	85
West Indies, East Coast of America -	147	168
Great Britain or Europe -	162	180

And I do hereby further declare, that with respect to passengers being Chinese, or persons accustomed to Chinese diet, in addition to, and irrespective of any provisions of their own which any such passenger may have on board, the master of every "Passenger ship" shall make to each statute adult during the voyage, including the time of detention, if any, at any port or place before the termination of such voyage, an allowance of pure water and sweet and wholesome provisions, according to the following dietary scale, and the provisions mentioned in such scale shall in the case of such Chinese passengers only be substituted for the articles of food and provisions specified in the said Act:

Rice - - - - -	1½ lb. per diem.	Water - - - - -	gallon 1 per diem.
Salt Pork - - - - -	½ " "	Firewood - - - - -	3 lbs. "
Lard, salted fat, fresh fat, or oil - - - - -	½ oz. "	Salt - - - - -	1 oz. per week.
Pickled vegetables - - -	3 " "	Pepper - - - - -	1 " "
Tobacco - - - - -	½ " "	Vinegar - - - - -	pint ½ "
		Tea - - - - -	4 ozs. "

Three weeks supply of biscuit is to be placed on board, to be issued at the rate of 2 lbs. a day only when the weather is too bad for cooking, or when required by the surgeon.

Peas or beans may be substituted for rice, and opium for tobacco, to the extent and in the proportion to be fixed by the surgeon.

Half issues to be made to children under ten years of age. The issues in accordance with this scale are to be made daily; the first issues to be made on the day of embarkation.

And I do hereby also further declare in pursuance of the said last-mentioned any that 12 instead of 15 feet shall be deemed a sufficient allowance of space for Act, natives of Asia or Africa who may be conveyed from Hongkong through the Tropics.

And lastly, I do hereby further declare, that the medicines, medical instruments, and other matters necessary for the medical treatment of the passengers during any such voyage, shall be as follows, namely:—

For a Ship carrying 100 passengers and in like proportion for any greater or less number. [Here follows the scale.]

Given under my hand and seal of the Colony, at Government House, Victoria, Hongkong, this 28th day of December in the year of our Lord one thousand eight hundred and fifty three and in the seventeenth year of Her Majesty's reign.

By his Excellency's command,

J. G. BONHAM.

W. CAINE,

Colonial Secretary.

GOD SAVE THE QUEEN.

No. 5.

No. 5.

EXTRACT of a DESPATCH from Governor Sir JOHN BOWRING to the Duke of NEWCASTLE, dated Hongkong, April 21st 1854.

(Received June 22, 1854.)

"MR. WHITE the emigration agent has left the colony for England, and will of course report to your Grace on the prospects for continuing a supply of Chinese for the Colonies. Meanwhile the voluntary emigration is considerable, and the Coolies still seem disposed to press in great numbers towards California and Australia. They are deplorably ignorant, are likely to be the victims of the cupidity, alike of Chinese brokers and sea captains, and the interests of humanity, to say nothing of the reputation of a British colony, require that more control should be exercised over abuses.

"An example has just occurred. I learnt that a Peruvian vessel (the Libertad) had engaged nearly a hundred Coolies more than she was able properly to take, or would be allowed to take under the Passengers' Act; that her seaworthiness was very doubtful; and that the state of the Coolies on board was most unsatisfactory.

"We have prevented her departure in order that some steps may be taken for the protection of human life.

"Though Sir Geo. Bonham has applied certain portions of the Colonial Passengers' Act to this colony by his proclamation of 28th December,* there is really no machinery here, for giving effect to the regulations adopted. We want more efficient control, and I think Mr. Hillier, the chief magistrate, might very properly and usefully be appointed, at an additional salary of 200*l.* a year to undertake the duties of emigration agent. His knowledge of the Chinese language, and his habits of intercourse with the Chinese people make his nomination particularly desirable. I am afraid the remuneration by any system of fees would from the almost universal venality of subordinates, lead to uncontrollable abuses, and that the object in view could hardly be accomplished without some slight expense to the colony.

"I cannot allow there is force in the objection, that if our colonial regulations are stringent and efficient the emigration trade will be transferred to other localities. It appears to me that when Coolies learn from experience that their interests and comforts are cared for, and that securities are provided for their protection in this colony which they cannot find elsewhere, emigrating Coolies would prefer resorting to it, and thus the interests of the colony be permanently promoted. Means might be found of circulating in the districts, which furnish the supplies of emigrants, some information as to the arrangements made in Hongkong in favour of those who embark in the colony."

No. 6.

No. 6.

COPY of DESPATCH from Lieutenant-Governor W. CAINE to his Grace the DUKE OF NEWCASTLE.

(No. 11.)

Victoria, Hongkong, May 4, 1854.

MY LORD DUKE,

(Received July 3, 1854.)

I HAVE the honour to address your Grace on the subject of Chinese emigration from this colony to California, Australia, and other places, which

has now attained so great magnitude as to render it most desirable to enforce the salutary provisions of the English Passengers' Act of 1852, as far as the circumstances of the locality permit; for, at present, the ships that leave this port crowded with human beings are under no sufficient control as to the quantity of provisions and space or the seaworthiness of the ship, except what may be afforded by the foresight and self-interest of the passengers or the rules of the place at which they disembark; and this last species of control, as will appear in the sequel, is not unfrequently rendered valueless.

2. I cannot, I think, give your Grace a better idea of the present state of emigration in this quarter than by extracting a few remarks on the subject from the "China Mail" newspaper of the 16th and 23rd of last month. It is there said that emigration to California, notwithstanding the immense numbers who have already crowded thither, is still on the increase; that no fewer than 12,000 Chinese in Canton and Hongkong are waiting shipment to San Francisco, while the departures since the 1st January last may be safely estimated at 5,500; that, within the last three months, upwards of 2,100 have departed for Melbourne, thus showing what attention Australia is exciting among the Chinese; that Chinese passage brokers, being under such heavy engagements to find passages, are driven to the utmost straits, so that European ships condemned years ago as unfit to carry cargo are readily purchased at enormously high prices and fitted out for passengers; that of those already purchased only one can be termed a sound wholesome ship; that one ship of 850 tons was sold for \$85,000; another of 337 for \$33,000; one of 140 tons for \$15,000; one of 379 tons for \$30,000; and four or five others at prices equally extravagant.

3. Added to this, in two instances, the master of the vessel, after taking on board a number of passengers far in excess of that which is either legal or safe, fearing the consequences, has forced a number of them on shore at the moment of sailing, when the passage broker having absconded they looked in vain for a return of their passage money or even for food and shelter. In the case of the "Shamrock" brig this cruelty was practised at Singapore, where the vessel touched on her way to the Australian colonies. One vessel has been wrecked on the Madjicosima Islands, involving great loss of life; another, a Dutch ship, has put into Singapore leaky; and it is much to be feared that these are but a small part of the casualties which may be expected to occur unless some efficient control be speedily exercised.

4. It has therefore been thought fit to exercise the power given by the Passengers' Act of appointing an emigration officer, for without his intervention none of the penalties in that Act can be enforced. For this duty, Mr. Hillier, the chief magistrate of police has been selected, and for the additional labour thus imposed on him, and the exposure to the climate that it will necessarily involve, it has been considered that an addition of 200% a year to his salary is such a sum as could reasonably be given, and one very much below that which would be necessary to ensure the services of a competent person not already in Government employ. I should have been disposed to recommend the levying a small fee upon each emigrant as some compensation for the protection afforded him, and with the view of relieving the colony from any pecuniary burden, but I fear the difficulty of collection and the abuses to which it might lead in the hands of subordinate officials would more than counterbalance its advantages, and (small though it be) would induce the emigrant Coolie to seek its evasion by embarkation at some other port.

5. The process of collecting passengers for California ships appears to be somewhat as follows:—A passage-broker at Hongkong (not unfrequently a man of straw who is not to be found a few hours after the vessel leaves) sends out his crimps to the mainland, and these on the payment of about five dollars as bargain money, give to each candidate for shipment a bargain-ticket, sealed with the seal of the broker for whom they act. With this ticket the candidate proceeds to Hongkong, where on payment of the balance of passage-money and re-delivery of the bargain-ticket, a passage ticket is granted, securing to the possessor a passage to California. Thus the broker may receive the money of shiploads of passengers before he has provided by the purchase or the charter of ships, for the accommodation of even a small number of them. If the charter money be high, the shipowners may often risk the confiscation of the ship at the port of debarkation in consequence of an infringement of the Passenger law there, and still be sure of a profit on the transaction; and the

ship may be despatched with the same certain profitable result, if the Chinese purchaser pay but a small sum for her acquisition and receive large amounts for passages. It is difficult at present to account satisfactorily for the enormous prices paid for ships as related above, though the sum paid for a passage is also unusually high; I can only attribute it to the pressure upon the more substantial Chinese brokers of engagements which they must fulfil at the risk of absolute ruin. It is manifest that the temptation under these circumstances to crowd human beings recklessly into unseaworthy vessels must be extraordinarily great.

* Page 6.

6. In conclusion, I would state that this subject was brought to the notice of Sir George Bonham before it attained to its present more serious importance. He issued in consequence a proclamation, of which a copy was forwarded to your Grace, in Despatch* No. 4, of 6th January last; but he refrained then from doing more, fearing that to enforce the English Passenger Act in all its strictness would tend to drive emigrant vessels away to Chinese ports and thus deprive the colony of the benefits that it must derive from this source. Yet it may well be doubted whether the additional protection and comfort afforded to the passenger by an effective Government surveillance, will not render the colony more attractive to emigrants, and thus counterbalance the supposed evil consequences of a feeling of dissatisfaction on the part of charterers or owners of ships at any interference with the liberty of action they have hitherto enjoyed; and at all events, the existing danger of serious casualties renders this contingency of minor consideration.

His Grace the Duke of Newcastle,
&c. &c. &c.

I have, &c.
(Signed) W. CAINE.

No. 7.

No. 7.

COPY of DESPATCH from the Right Hon. Sir GEORGE GREY to Governor Sir JOHN BOWRING.

(No. 22.)

SIR,

Downing Street, August 29, 1854.

* Page 8.

I HAVE to acknowledge the receipt of Lieut.-Governor Caine's Despatch, No. 11, of the 4th* of May last, reporting the steps which he had taken for enforcing the provisions of the Passengers' Act, in regard to emigrant vessels proceeding from the ports of Hongkong; and in expressing my approval of those measures I have to convey to you the sanction of the Lords Commissioners of the Treasury to the allowance of 200*l.* per annum to Mr. Hillier, the chief police magistrate, to act as Emigration Officer, on the understanding that this additional income is to be discontinued whenever the cessation of emigration may render the office unnecessary.

Governor Sir John Bowring,
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 8.

No. 8.

COPY of DESPATCH from His Grace the Duke of NEWCASTLE to Governor Sir JOHN BOWRING.

(No. 11.)

SIR,

Downing Street, March 16, 1854.

25th Feb. 1854.

I TRANSMIT to you for your information and guidance a copy of a letter from the Colonial Land and Emigration Commissioners, transmitting copies of a correspondence with Mr. White on the subject of Chinese emigration to the West Indies, together with a copy of the answer returned to the Commissioners by my desire.

17th March 1854.

I have to request that you will instruct the Surveyor-General to place himself in communication with Mr. White respecting the establishment of a depôt,

and that you will report to me your opinion as to the expediency of such a measure.

Governor Sir John Bowring,
&c. &c. &c.

I have, &c.
(Signed) NEWCASTLE.

Enclosure 1 in No. 8.

Encl. 1 in No. 8.

Colonial Land and Emigration Office.

February 25, 1854.

SIR,

1. WE beg to enclose copies of two letters which we have received from Mr. White,* with the answer which we have returned to those letters. It is not possible, however, that this answer can be received before the emigration has practically terminated.

2. It will be seen that little chance exists of chartering ships in China, but that Mr. White has authorized Messrs. Tait and Co. to send one or two vessels (if they can be procured) from Namoa; a step which we cannot refrain from regretting.

3. It appears to us that no better course can be adopted for commencing a healthy female emigration than that adopted by Mr. White; but we do not feel very sanguine of his immediate success.

4. We trust that next year, being at liberty to advertise for shipping at a far earlier period, we shall be able to secure a supply of European surgeons.

5. The emigration is as yet of so uncertain a kind that we could not recommend that the expense of constructing a dépôt should be incurred; but we think it might be very advisable to obtain the opinion of some Government officer on the spot; and we would suggest that if the emigration proceeds the Governor should be instructed to direct the Surveyor-General or some other competent officer to place himself in communication with Mr. White on the subject, and report respecting the expediency of such a step; the expense which would be necessary; and on any means which Government might possess for facilitating the construction of a building adequate for the purpose.

Herman Merivale, Esq.
&c. &c. &c.

We have, &c.
(Signed) T. W. C. MURDOCH.
FREDERIC ROGERS.

No. 2. 10th Dec.

No. 4. 26th Dec.

24th February.

Sub-Enclosure 1 to Enclosure 1 in No. 8.

Sub-Encl. 1 to
Encl. 1 in No. 8.

(No. 2.)

SIR,

Hongkong, December 10, 1853.

SINCE I had the honour of addressing you by last mail, several vessels have arrived, suitable for the emigration service, but they have all been taken up at rates very far exceeding those which I am authorized to give, and are principally under charter for California.

2. As an instance of the high rates of freight now current, I may mention that Mr. Comstock, agent on behalf of the Panama Railway Company (of whom I made mention in my last), offered, a few days ago, \$70 for the conveyance of labourers to Panama, and to put 700 on board, the charterer finding water and fittings and everything necessary. The vessel (the Wilhelmsburgh) registers 900 tons, and according to the English Passengers' Act could not carry more than 450 emigrants. But 700 passengers at \$70 each is equivalent to 450 at \$109, and this latter is the sum I would have had to offer in order to place matters on a par. In addition to the freight for the emigrant, the charterer engaged, if required, to furnish a cargo of guano from Peru for New York. The whole offer has, however, been declined, and the vessel is now under charter for California. This statement will show the Commissioners how little prospect there is of procuring shipping for the West Indies during the present season.

3. As it is possible that some stray vessels may call in at Amoy, without knowledge of the high freights current here, I have authorized Messrs. Tait and Co. to take them up on my account; and I annex copy of the letter I have addressed them on the subject. I effected this arrangement only on the condition required by them, that they should receive a commission for placing emigrants on board (from Namoa); and although this is contrary to my express wish, that the emigration should be conducted from Hongkong, I thought it best to accede to it under present circumstances, for I see little prospect of getting vessels in Hongkong, and if I had rejected the proposal made to me by Messrs. Tait and Co. I would lose the chance of any vessels that might arrive at Amoy, for they would unquestionably be taken up under a similar engagement for the Cuban emigration.

4. If emigration is to be carried on from this port continuously (or at least for a few years) and systematically, and in a manner creditable to the Government, it is absolutely

* Note.—The previous correspondence relative to Mr. White's proceedings, as West India Emigration Agent in China, is contained in the papers presented to Parliament by Her Majesty's command in 1853 and 1855, "Correspondence Emigration from China."

necessary to have a *depôt*. Here emigrants may be collected, and be prepared for embarkation, so that no delay shall arise when the vessel is ready to receive them, and here they will be protected from the possibility of fraud on the part of the collecting agents. The present method of bringing them together two or three days before the vessel leaves, and then shipping them off without sufficient preparation or inquiry, leaves open the door for all manner of abuses, in spite of the best exertions of the emigration agent. But the establishment of a *depôt*, whether afloat or on shore, will be attended with some expense; and with the little prospect there is of obtaining shipping this season, I do not wish to incur any expense that may be avoided, without having the previous sanction of the Commissioners. A hulk, such as would answer the purpose of a *depôt* afloat, will cost at present from 3,000*l.* to 4,000*l.* The town of Hongkong, at the foot of an abrupt hill, offers few conveniences for building, and I have been unable to find any place but one suitable for the purposes of a *depôt*. This place comprises three lots of land (on which there are buildings, now in a nearly ruinous condition, as the parties to whom they belonged have allowed them to lapse to the Crown rather than pay a heavy ground rent), and is nearly three acres in extent, and situated on the shore of the bay. The Surveyor-General informs me that the three lots may be had for 300*l.* a year, but they cannot be made available for the purposes of a *depôt* until the Governor, who resides at present in a house adjoining one of these lots, shall have removed into the new Government House now in course of erection. The repairs to the old buildings, and the erection of new ones that may be required, will, on a rough calculation, cost from 1,000*l.* to 1,500*l.* If emigration from China is likely to be carried on for a few years, I recommend the establishment of a *depôt*, afloat or on shore (the latter only as being the most economical); but if it is to be uncertain and desultory the expense of a *depôt* may be saved. And in this case the emigrants required may be obtained as well through the agency of a respectable mercantile house as by the instrumentality of a Government agent.

5. No emigration from China will be safe or satisfactory until some of those who have left return with favourable accounts of the West Indies, and till this takes place, the respectable Chinese will continue to regard this emigration with suspicion and distrust. If the accounts be favourable, the emigration may become to a great extent self-supporting, for thousands will be eager to emigrate, and will gladly undertake to pay at least a portion of the passage money, as soon as their confidence has been secured.

6. I have already stated frequently that I see no prospect of procuring women, except by purchase, direct or indirect. If the Government will authorize me to advance money for this purpose I have no doubt of success. Girls of respectable connexion may be obtained for about forty dollars of ten to fifteen years of age, and I propose to pay this amount to a few of the more respectable emigrants, and leave them to make their own arrangements, on condition of their marrying the women before the departure of the vessel. When favourable accounts are brought from the West Indies by returned Chinese emigrants, it may become unnecessary to resort to this method to procure women and children; but until that takes place, if my information be correct, there is no probability of obtaining women without purchase, for such is the universal custom of the country.

7. In my last communication I stated that I could not get access to the *depôt* at Macao; but being furnished with introductions from Canton I returned there on my way back to Hongkong. Mr. Jorgé at once consented to my seeing it, on condition that I should communicate nothing in reference to it, either to Government or to the newspapers. I found everything exceedingly well arranged and worthy of imitation, and the whole establishment such as I should be glad to see in Hongkong. I found 480 stout men and boys well lodged and well clothed, and looking clean and comfortable, and the arrangements of the place in every way satisfactory. As Mr. Jorgé has purchased vessels for the service, this portion of the Cuban emigration may be considered as well organized and likely to be permanent. He has not been able to charter any vessels, although he has offered as high as seventy dollars per emigrant. As he puts about fifty per cent. more men on board than would be allowed by the English Passengers' Act, this sum of seventy dollars is equivalent to about 105 dollars to the British West Indies. He informs me that the vessels despatched by him towards the close of last season arrived in Cuba without any accident, and that the ratio of mortality among the emigrants was very trifling.

8. There is no prospect of obtaining a European surgeon; none can be obtained here; and the vessels from Australia, California, and India do not bring any. If I succeed in procuring vessels, I shall have to despatch them with Chinese surgeons instead; and if it be made imperative for the future that European surgeons must be employed, it will be necessary to make arrangements for this purpose in England. Upwards of 40,000 Chinese have left this for California without surgeons (except their own); and I am not aware that any epidemic has broken out, or that any untoward accident has occurred to mar the success of a single voyage. Almost everything depends on the captain, and the surgeons likely to be picked up here are men whose services would probably be of little or no value. The surgeon of the "Emigrant," who was engaged at a high salary for the voyage to Démerara, died of "délirium tremens" from sheer drunkenness a few days after the voyage had been abandoned.

9. As to emigration generally, I see no reason to doubt that any number of people may be obtained that the resources of the West India colonies can afford.

I understand that no commission will be charged for chartering. I send a copy of some "papers relating to emigration," which will show the spirit in which the colonial authorities desire that this emigration should be carried on.

Encl. 2 in No. 8. (No. 4.)

Enclosure 2 in No. 8.

SIR,

Hong Kong, December 26, 1853.

NOTHING of any interest connected with emigration has occurred since I had the honour of addressing you on the 10th instant.

2. Very few vessels have arrived, and these all under previous engagements, so that the rates of freight are fully as high as they were; and as there is a great deal of Chinese produce on hand waiting for shipment, it is probable that they will go even higher.

3. No vessels have been taken up here, either for Panama, Peru, or Cuba, but Mr. Jorgé has purchased another vessel (now at Manilla under the French flag, for the Cuban emigration.

4. As an indication of the high rates of freight now current, I may mention that a vessel being required for the conveyance to England of the invalids of the 59th regiment, tenders were called for in the usual form, but only one vessel was offered (the "Enter-prize"), and the rate required 45% per man. Last year the rate paid was 30%. This tender was rejected; but an arrangement has since been made, by which the rate per man is reduced to 40%, the difference being made up, or nearly so, by the freight payable on stores that are to be sent home, and by other concessions.

5. Upwards of 800 Chinese have returned from California since the 10th instant. A passenger on board one of the vessels that brought 300 informs me that they appeared, all of them, to have plenty of money, and that they stated their intention of returning to California as soon as they had seen their friends and enjoyed the festivities of the new year. The return of Chinese under such favourable circumstances must naturally stimulate emigration to that quarter, and the communication is now so certain and so frequent that it cannot fail to become of considerable importance.

6. Subjoined is a memorandum furnished to me by Mr. Jorgé of the three vessels despatched by him at the close of the last emigration season. It is singular that the mortality was least on board of the vessel that was most crowded.

	Tons.	Coolies.	Died.
Sophia	- 240	- 250	- 17
Viaganté	- —	- 300	- 51
Victoria	- 500	- 400	- 53
		950	121

The mortality on board of the "Viaganté" was caused by "scurvy," which broke out ninety days after leaving this; and he attributes it entirely to the negligence of the captain.

The mortality on board of the "Victoria" he attributes to her being despatched "too late in the season, about the end of March."

7. He has made arrangements for this season with parties residing at Anjer, and at the Cape of Good Hope and St Helena, to furnish his vessels with whatever provisions or supplies may be required, and he makes it imperative upon the captains to call at Anjer for fresh vegetables and pigs, and at the Cape of Good Hope or at St. Helena, or at both, if necessary, for the same purpose, taking sheep at the Cape instead of pigs. These arrangements are good, and might be adopted with advantage in our West Indian emigration, for the various breaks in the voyage, and the frequent supply of fresh vegetables and water, must conduce to the health, comfort, and cheerfulness of the emigrants.

8. Difficulties, however, occur in spite of his precautions and care. By late advices from Singapore I learn, that the "Adamastor," of 400 tons, despatched by Mr. Jorgé for Cuba in last October, with upwards of 300 Coolies on board, had put into that port, the captain being compelled to this step under the threat of losing his life. The Coolies deserted the ship immediately after her arrival, and the voyage was necessarily abandoned.

9. Incidents such as this deter captains from embarking in the emigration service; and to show the general feeling that prevails on the subject, I annex the copy of a letter from the consignee of the "Jamestown," to whom I had made an offer for the conveyance of emigrants to Jamaica.

10. The proper season for emigration is passing away so rapidly that I have taken upon myself the responsibility of offering \$80 for the passage of emigrants to the West Indies. This sum, payable on arrival, is equal to

The provisions, clothing, and local charges will amount to about \$25, which at the current high rates of exchange will not be less than

Making in all

£16 13 4
6 6 8
£23 0 0

This is an amount beyond which the Commissioners would not, as I apprehend, authorize me to advance, nor would any such advance be sanctioned by the local governments.

S. Walcot, Esq., Secretary,
Colonial Land and Emigration Commissioners,
&c. &c. &c.

I have, &c.
(Signed) JAMES T. WHITE.

MY DEAR SIR,

Canton, December 10, 1853.

INFORMED through Captain Moore you are very desirous of getting forward Coolies to Jamaica, and ready to pay very liberally, considering the scarcity of tonnage, I am induced to solicit an offer for the "Jamestown." I send this by express boat, as time is an object, and the voyage for this ship already marked out for Manilla. Still your offer may be an object for me to abandon the latter, therefore you must send me your very best terms, as on receipt of same I shall either accept them or close my despatches to Captain Moore for Manilla.

Let your offer be very clear. Say \$ per head for 500, or as many more as the ship can take in her 'tween decks.

Freight to be paid on the number shipped, less two (2) per cent. in the event of any mortality amounting to more than that per-centage, and no further abatement in any case, not excepting the possibility of the ship stopping on the voyage and the men escaping.

Ship to find water and fuel only, and to be despatched on 1st January, or sooner if possible.

Freight to be paid in Spanish dollars, on arrival of the ship at Jamaica.

'Tis unnecessary to send me an offer coupled with receiving freight on the number of Coolies landed, as it will not be considered for a moment.

So much has been said of your readiness to pay a ship more liberally than present rate of freights will yield, I shall be most happy to abandon the Manilla voyage of the "Jamestown," and meet you promptly; but remember the last clause, as I cannot take the slightest risk of being disappointed in the out-turn of the freight.

As the post boat may give me your reply earlier than the bearer of this can return, better write by it.

Very truly,
(Signed) H. W. HUBBETT.

Enclosure 3 in No. 8.

Encl. 3 in No. 8.

SIR,

Colonial Land and Emigration Office,
Park-street, Westminster, February 24, 1854.

I AM directed by the Colonial Land and Emigration Commissioners to acknowledge your letters, No. 2. of the 10th December, and No. 4. of the 26th December last.

The Commissioners regret much that you should have been unable to procure any shipping for emigrants for the West Indies. They entirely approve of your having increased your offer to \$80 a head; they also fully approve the proceedings which you propose to take in regard of obtaining women, understanding your intention to be this,—that as wives are, in fact, obtained by purchase in China, you will furnish some of the emigrants procured by you with the means of effecting marriages in this, the usual manner, taking care that the connection thus formed is one of a nature as legitimate and obligatory as the law and usage of China renders possible.

With regard to your intention to employ native surgeons, the Commissioners cannot but feel much apprehension, especially observing the large mortality which has taken place in two out of the three ships despatched by M. Jorgé to Cuba. They trust that if you find yourself forced to have recourse to this class of persons, you will have spared no pains to secure as capable a person as can be obtained.

The Commissioners would not as yet feel at liberty to sanction the expenditure of money in a depôt. The emigration from Hongkong is at present experimental, not a single cargo of emigrants having been yet collected at that port. The Commissioners are glad to observe that you anticipate no difficulty in obtaining emigrants, but they do not think so large an expense (which does not appear to be indispensable) should be incurred, at least till those anticipations have been tested by experience. There is, however, one point in your proceedings to which the Commissioners cannot advert without great regret. Your instructions authorize you to despatch emigrants from Hongkong, or, if necessary, from Amoy. But you state that you have entered into an engagement with Mr. Tait for despatching vessels from Namoa. There appeared reason to be dissatisfied with the mode in which the Messrs. Tait conducted in 1852 such part of the West Indian emigration as fell into their hands. Emigration from Namoa is, as you are aware, in direct violation of our treaties with China, and on that account, when emigration was set on foot from that port last year, it elicited an immediate remonstrance

from the Foreign Office. The Commissioners trust, therefore, that no emigrants will have been despatched from that or any other locality which is not legally open to British trade.

The Commissioners have perused with much interest the account which you give of the emigration to Cuba and other destinations. They are glad to perceive that a stop has been put to an emigration alleged to be connected with so many abuses as that to Peru.

I have, &c.
(Signed) S. WALCOTT,
Secretary.

J. T. White, Esq.

Encl. 4 in No. 8.

Enclosure 4 in No. 8.

GENTLEMEN,

Downing Street, March 17, 1854.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 25th ultimo, transmitting copies of two letters from Mr. White, reporting his proceedings in connexion with the emigration of Chinese to the West Indies, together with a copy of the answer you have returned to Mr. White.

I am to acquaint you, in reply, that the Duke of Newcastle approves of your answer to Mr. White; and his Grace has directed the Governor of Hong Kong to instruct the Surveyor-General of that colony to place himself in communication with Mr. White respecting the establishment of a dépôt, in the case of the continuance of emigration, and to report his opinion respecting the expediency of such a step.

As regards the mode suggested by Mr. White for obtaining female emigrants, whilst his Grace is aware that Chinese marriages are always a matter of purchase of the wife from her parents, he desires that Mr. White be instructed to take care that neither himself nor his agents are the purchasers. The way to prevent such a result will, in his Grace's opinion, be to offer a bounty to married emigrants equivalent to the price paid by a man of the labouring class for his wife. He will then, in consideration of this sum, make his own domestic arrangements, and of course bring his wife with him.

The Colonial Land and Emigration
Commissioners.

I have, &c.
(Signed) H. MERIVALE.

No. 9.

No. 9.

COPY of DESPATCH from Lieutenant-Governor CAINE to the Duke of
NEWCASTLE.

(No. 23.)

Victoria, Hongkong, June 5, 1854.

MY LORD DUKE,

(Received August 7, 1854.)

* Page 10.

I HAVE the honour to acknowledge the receipt of your Grace's despatch of 16th March last,* giving cover to sundry letters from Mr. White, late West India Emigration Agent in this colony, and the correspondence relating to these letters.

2. Your Grace desires me to instruct the Surveyor-General to place himself in communication with Mr. White respecting the establishment of a dépôt for Chinese emigrant Coolies destined for the West Indies, and to report my own opinion as to the expediency of such a measure. Mr. White having, as your Grace will have been apprised, returned to England at the termination of the season favourable to emigration, I can only comply with the second requirement.

3. I am decidedly of opinion, with Mr. White, that if the emigration to the West Indies from this place is to be systematic and constant, it cannot be conducted in so creditable a manner as the Government would wish, without the establishment of a dépôt on shore or afloat: the former would probably be the least expensive both as to its original cost, and in regard to the establishment necessary for its due regulation.

4. It is difficult to imagine how, without the aid of such an establishment, labourers can be selected of such class as by their introduction would benefit the Colonies, for this must necessarily require time; nor how, when such selection has been made, the Coolies can be prevented from absconding after the receipt of the advanced wages that are always given as a part of the inducement to emigrate. The ordinary lay-days of a ship chartered for the voyage cannot be sufficient time, nor the ship a suitable place, for these preliminary arrangements; and the fact that such a dépôt has been found

necessary both at Macao, where emigration is in private hands, and in Calcutta, where it is under the supervision of the Government, seems to strengthen the supposition that it would also be a requisite here.

5. Such an establishment would also seem necessary to realize Mr. White's anticipations of success with regard to inducing married men and families to emigrate. Unquestionably it is most desirable that in emigration of every kind the proportion of male and female emigrants be as nearly as possible equal. When this is the case the removal of labourers from a country where the wages of labour are barely sufficient for their scanty subsistence to another country where labour is in great demand, and the climate at the same time suitable, must be a source of mutual benefit, and a work of high philanthropy. To accomplish this equalization of sexes among Chinese emigrants, we must tolerate Chinese ignorance and Chinese prejudice in regard to matrimony, which we shall find on examination to be, after all, not so far different from our own notions as might at first sight be supposed. Mr. White, in advocating the purchase of women might with equal truth have used a term less abhorrent to our notions of freedom and less suggestive of abuse; for in reality the money and presents given to the parents of the bride are considered to be for the purpose of enabling them to send her to her husband's house provided with a suitable wardrobe, and in a manner becoming their station. Perhaps the question propounded by the parents to the intending husband what sum of money he was willing to disburse to induce them to place their daughter at his disposal, might not to European ears appear more indecorous than would to Chinese ears the converse of the question as propounded by intending husbands in Europe to parents what sum of money they were willing to add as a dowry to their daughter, to induce him to place himself at her disposal. And both in China and England mercenary considerations in such engagements are admitted to be abnormal and improper.

6. It is true that such a bounty on marriage as that proposed, might induce some to select as their wives prostitutes from the numerous brothels within their reach; but the better the class of emigrants selected, the less probability of this contingency; and even should its occurrence be certain I cannot look upon it with any degree of apprehension; on the contrary, I believe that very many of this unfortunate class of females, were such an opportunity presented to them of escaping from their terrible bondage, would most gladly avail themselves of it, and become thereafter grateful and virtuous wives; for a great number of them, perhaps a large majority, are purchased as slaves in their infancy, and are so trained up for the express purpose of prostitution, that their mode of life can scarcely be termed voluntary. Here it is true they are free (and they constantly take advantage of their freedom in this manner), but on the mainland they are, I imagine, utterly without the power, if without the money, to obtain their liberty. I am glad that this subject is occupying the attention of Her Majesty's Government, for I consider it to be one of the greatest importance.

7. The very best stimulant of emigration to the West Indies would be, as Mr. White remarks, the return to China for a season of those who have already emigrated, earned money, and been well treated in the country of their temporary adoption.

8. With regard to the treatment of emigrants on board their ships, the great desideratum is the selection of a good captain, for on him, more than on any arrangements that can be made before the departure of the vessel, depend the comfort, health, and good humour of the passengers. For this reason it is most desirable that a sufficient number of ships for the season's emigration be chartered in England.

9. The Passengers Act seems to me to be unnecessarily stringent, in regard to the number that each vessel is allowed to carry. Vessels hence to California, almost without exception, build deck houses for the accommodation of passengers, and when they find it more profitable than to carry cargo, they lay an orlop deck also for the same purpose. The American Passengers Act allows this; and the emigration officer (recently appointed, as your Grace was informed by my despatch of 4th* of May last), with my sanction, permits the practice to continue, taking care only that fully twelve feet of space be allowed to each adult on the upper decks, and twenty-four feet on the orlop-deck—the

height between the decks being six feet. This I consider to be fully sufficient for the preservation of health, and it satisfies both the Chinese passenger and the shipowner; and I see no reason why the same indulgence should not be allowed to ships carrying emigrants to the West Indies. It is obvious that such a relaxation from the stringent provisions of the English Passengers Act, would materially diminish the cost to the colonies of each emigrant. The great points to be attended to are, the seaworthiness and ventilation of the vessel, the quality and quantity of the provisions, and the space allowed to each passenger. If on these the emigration officer satisfy himself, I consider others of minor importance.

10. It would be well, I think, if some local enactment were made to meet the peculiar situation of this place. Under present circumstances, though some effective control is absolutely requisite, the emigration officer is placed in the anomalous position of acting under a law of which he enforces not a great deal more than its general spirit; to carry it out in the letter would, in my view, be productive of nothing but harm. It would simply drive away from our harbour a source of employment and wealth to the colonists, which it should be our anxious endeavour to foster and increase, and would not at the same time tend in any way to further the interest of the emigrant or of humanity. Such an enactment I purpose to submit to your Grace at a future time, when we shall have had more experience of what is required: to delay it seems necessary, not only on the score of deficient knowledge, but also that it may, if possible, be made to square with the intention of the Emigration Commissioners in regard to the more permanent and systematic establishment of the West Indian emigration, and with further reference to the measures on the same subject, which, I am given to understand, it is the intention of Her Majesty's Government to bring before Parliament at an early period.

11. I would add, in conclusion, that if the Commissioners think fit to employ the emigration officer already appointed here to organize measures for a regular supply to the West India Colonies of Coolie emigrants, instead of sending out a special agent for the purpose, this Government will not object. He is, I believe, quite competent for the task, and, from his acquaintance with the language and people, peculiarly fitted for it; but his services would be available as a supervisor only—want of time would compel him to leave much of the details to some trustworthy subordinate. In the former capacity and as a correspondent of the Emigration Board, I have no doubt his services would be very valuable, and would require for their remuneration a much smaller expenditure than would be necessary in the case of an officer sent from England for the purpose. I make these remarks under the impression that Mr. White does not wish to return to China, and that the Commissioners may have some difficulty in finding a suitable successor. That the emigration can be conducted only during one-half of the year is, perhaps, an additional reason for the employment as agent of some person not wholly dependent for support upon the emoluments of the office.

His Grace the Duke of Newcastle,
&c. &c.

I have, &c.
(Signed) W. CAINE.

No. 10.

No. 10.

COPY of DESPATCH from Lieut.-Governor CAINE to the Right Hon.
Sir GEORGE GREY.

(No. 39.)

Victoria, Hongkong, March 14, 1855.

(Received May 9, 1855.)

(Answered, No. 11, June 5, 1855.)

SIR,

I HAVE the honour to enclose copies of proclamation and notification recently promulgated in this colony on the subject of emigration.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

I have, &c.
(Signed) W. CAINE.

Enclosure in No. 10.

Encl. in No. 10.

GOVERNMENT NOTIFICATION.

With reference to the provisions of "The Passengers' Act, 1852" restricting the number of passengers to which the required space of twelve feet has been allotted to one for every two tons of the ship's registered burthen, the emigration officer has been instructed to apply to all ships a uniform standard of measurement, namely—that now or hereafter to be employed for ascertaining the capacity of British vessels.—Ships not registered under the latest Imperial Acts must therefore procure from the Government Surveyor a certificate of their actual capacity before they can be passed by the emigration officer.

By order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria,
Hongkong, 9th March, 1855.

Enclosure 2 in No. 10.

Encl. 2 in No. 10.

PROCLAMATION.

JOHN BOWRING.

WHEREAS by a Proclamation dated 28th December 1853, made in pursuance of the 85th Section of "The Passengers' Act, 1852," it was declared that the provisions and medicines supplied to passenger ships should be in accordance with certain scales in the said Proclamation duly set forth, and whereas these scales have been found in some points unsuited to the wants of Chinese passengers, it is hereby declared that with respect to passengers being Chinese or persons accustomed to Chinese diet the supply of provisions and medicines for passenger ships may in future be as follows.

Provisions.

Rice	-	-	-	-	lbs. 1½ per diem	} Or such amount of provisions customarily used by Chinese as may in the judgment of the emigration officer be capable of perfect preservation during the passage and be fully equivalent to this scale.
Salted Provisions—						
wholly pork; or	-	-	-	-		
⅔ pork and ⅓ fish; or	-	-	-	-	½ do.	
⅓ pork, ⅓ beef, and ⅓ fish	-	-	-	-	½ do.	
Salted vegetables or pickles	-	-	-	-	½ do.	} Or such amount of provisions customarily used by Chinese as may in the judgment of the emigration officer be capable of perfect preservation during the passage and be fully equivalent to this scale.
Water, imperial quarts	-	-	-	-	3 do.	
Firewood	-	-	-	-	lbs. 2 do.	
Tea	-	-	-	-	oz. ⅓ do.	

[Then follows a list of medicines, &c., for every 100 passengers, and in like proportion for any greater or less number.]

Or such other medicines, disinfectants, and medical and surgical implements as a duly qualified medical practitioner may certify and the emigration officer may consider to be sufficient.

Given under my hand and seal of the colony at Victoria,
Hongkong, the 28th day of February, 1855.

By His Excellency's command.

W. T. MERCER,
Colonial Secretary.

GOD SAVE THE QUEEN.

No. 11.

No. 11.

COPY of DESPATCH from the Right Hon. Lord JOHN RUSSELL to
Governor Sir JOHN BOWRING.

(No. 11.)

SIR,

Downing Street, 5th June 1855.

I HAVE the honour to acknowledge the receipt of Lieut.-Governor Caine's Despatch, No. 39,* of the 14th of March last, enclosing copies of a notification * Page 18. and a proclamation which you have recently issued on the subject of emigration.

In the former, you announce that in calculating the restriction of the number of passengers by the tonnage of the vessel, the system employed for measuring the tonnage of British ships will in future be applied to all vessels employed in the carriage of passengers. I see no objection to this notification;

(250.)

C 2

but I have to inform you that in the Bill now before Parliament for the amendment of the Passengers' Act, it is proposed altogether to except from the tonnage check vessels sailing from Hongkong.

The proclamation substitutes for the provisions and medicines required by the previous proclamation such provisions and medicines as may be approved by the emigration officer. This is unobjectionable in itself, but the law has not authorized the Governor to delegate such power to the emigration agent.

It will be necessary, therefore, that you should recall the proclamation and should issue a fresh one, comprising, as far as possible, the whole list of substitutes which may be considered advisable.

I may take this opportunity of informing you that it is in contemplation to introduce into Parliament a measure designed expressly for the repression of abuses in Chinese emigration; and I shall put you in possession of the provisions of the Bill as soon as it is prepared.

Sir John Bowring,
&c. &c.

I have, &c.
(Signed) J. RUSSELL.

No. 12.

No. 12.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Honourable Lord JOHN RUSSELL, M.P.

Government Offices, Victoria, Hongkong,
September 12, 1855.

(No. 136.)

(Received November 10, 1855.)

(Answered November 23, 1855.)

MY LORD,

IN compliance with the instructions conveyed in your Lordship's despatch No. 11,* of 5th June last, I have the honour to report that the proclamation of 28th February, 1855, regulating the scale of provisions and medicines to be carried in emigrant ships, has been cancelled, and another, of which copy is enclosed, has been issued in its stead.

* Page 19.

I have, &c.
The Right Hon. Lord John Russell, M.P. (Signed) JOHN BOWRING.
&c. &c. &c.

Encl. in No. 12.

Enclosure in No. 12.

PROCLAMATION.

JOHN BOWRING.

WHEREAS under proclamation dated 28th February 1855, certain powers were unduly delegated to the emigration officer at this port, it is hereby declared that the proclamation aforesaid shall be, and the same is, annulled from this date; and that with respect to passengers, being Chinese or persons accustomed to Chinese diet, the supply of provisions and medicines for passenger ships shall in future be as follows:—

Provisions.		
Rice,	- - - - -	1½ lb. per diem.
Salt provisions,—wholly pork; or ⅔ pork and ⅓ fish; or ⅓ pork,	- - - - -	
⅓ beef, and ⅓ fish,	- - - - -	½ "
Salted vegetables or pickles,	- - - - -	½ "
Water,	- - - - -	3 imp. qts. "
Firewood,	- - - - -	2 lb. "
Tea,	- - - - -	⅓ oz. "

[Then follows a scale of medicines, &c., for every 100 passengers, and in like proportion for any greater or less number.]

Given under my hand, and Seal of the Colony, at Victoria, Hongkong, this 20th Day of August 1855.

By His Excellency's Command,

W. T. MERCER,
Colonial Secretary.

GOD SAVE THE QUEEN.

No. 13.

No. 13.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE
to Governor BOWRING.

(No. 3.)

SIR,

Downing Street, November 23, 1855.

I HAVE to acknowledge the receipt of your despatch No. 136 of the 12th September, and to convey to you my approval of the proclamation which you have issued for regulating the scale of provisions and medicines to be carried in emigrant ships.

I have, &c.

Governor Sir John Bowring,
&c. &c.

(Signed) H. LABOUCHERE.

No. 14.

No. 14.

COPY of DESPATCH from Governor Sir JOHN BOWRING, to the Right
Honourable Sir WILLIAM MOLESWORTH, Bart., M.P.

Government Offices, Victoria, Hongkong,
October 6, 1855.

(No. 147.)

SIR,

(Received December 7, 1855.)

I HAVE now the honour to forward copy of an interesting document, by which it appears, that during eleven months, ending on the 30th September last, nearly 15,000 Chinese have left this colony by square-rigged vessels,—the return giving no information as to the amount of emigration in native junks, which are generally employed for conveyance of passengers to Cochin China, Siam, the Strait's Settlements, and the islands of Netherlands India.

It is worthy of remark, that during this period not a single vessel has cleared from Hongkong with emigrants for our West India colonies, or for the island of Cuba, or Peru, or any of the countries of Western America, except California.

The great mass of emigrants who have departed from hence are of the superior class, such as have been able to pay their passage money; and the return is instructive as evidence that the protecting character of our emigration legislation is no impediment to the shipment and conveyance of Chinamen who are willing to quit their country as adventurers in foreign lands.

These returns show the number of emigrants :—

To Australia	-	-	-	-	-	10,467
To California	-	-	-	-	-	3,042
To ports in China	-	-	-	-	-	1,375
To the Philippine Islands	-	-	-	-	-	11
To Siam	-	-	-	-	-	50
To Singapore	-	-	-	-	-	46

It may be added, that the shipment of emigrants from the legal ports in China has almost wholly ceased, and that it is now generally carried on from unlawful places removed from consular control, principally Swatow and Cumsingmoon, in shipping not British, and directed by agents not subjects of Her Majesty.

I have, &c.

The Right Hon.
Sir William Molesworth, Bart., M.P.
&c. &c. &c.

(Signed) JOHN BOWRING.

Encl. in No. 14.

Enclosure in No. 14.

RETURN of VESSELS CLEARED OUTWARDS with CHINESE PASSENGERS from the 1st
November 1854 to 30th September 1855.

Vessel.	Flag.	Tons.	Date sailed.	Destination.	Number of Passengers.
Hamilton	Brit.	438	Nov. 14, 1854	Shanghai	6
Pielades	Dutch	424	" "	Amoy	12
Yen Loong	Brit.	70	Nov. 17 "	Canton	10
Zetland	"	1,283	Nov. 18 "	East Coast	26
Samuel Churchman	Am.	221	Nov. 29 "	California	72
Alfred	"	453	Dec. 1 "	California	246
Nightingale	"	1,066	Dec. 6 "	Shanghai	4
Bombay	Brit.	400	Dec. 11 "	Amoy	1
Eliza Ann	"	258	" "	Singapore	30
Bella Vascongda	Spain	480	Dec. 12 "	Manila	4
Tarranta	Portug.	320	Dec. 13 "	Port Philip	386
Margaret Mitchell	Brit.	930	Dec. 23 "	Shanghai	7
Inchinnan	"	565	Dec. 26 "	California	257
Naryana	"	417	Dec. 27 "	Foo-Chow-Foo	4
F. E. Schutt	Hamb.	280	Jan. 3, 1855	Shanghai	4
Leonore	Am.	373	Jan. 5 "	San Francisco	170
Alfred	"	453	" "	San Francisco	246
Wizard	"	1,601	Jan. "	Whampoa	12
Arturo	Brit.	675	" "	Port Philip	450
Resolution	"	382	" "	Port Philip	315
Lucas	Am.	349	Jan. 17 "	California	168
Malane	Brit.	133	Jan. 19 "	Foo-Chow-Foo	4
Java	"	1,175	Jan. 25 "	San Francisco	578
Annie	New Gren.	307	Jan. 31 "	Port Philip	219
Lady Hayes	Brit.	384	Feb. 1 "	Port Philip	263
William and Martha	"	359	Feb. 2 "	Port Philip	275
Statesman	"	345	" "	Port Philip	289
Asa Thor	Dan.	250	" "	Amoy	12
Levant	Am.	382	" "	Port Philip	355
George Metcalf	Brit.	413	Feb. 5 "	Port Philip	229
Neptune	Siam.	700	Feb. 7 "	Siam	50
Gem	Brit.	249	Feb. 8 "	Singapore	4
Harpley	"	547	Feb. 10 "	Port Philip	336
Joven Idhap	Portug.	600	Feb. 12 "	Macao	4
Elizabeth Ellen	Am.	581	Feb. 14 "	San Francisco	240
Kate Hooper	"	1,507	Feb. 15 "	Port Philip	716
Cum-hap-lee	Brit.	78	Feb. 17 "	Amoy	50
Santiago	Peruv.	198	Feb. 24 "	East Coast	1
Palmetto	Am.	282	Feb. 27 "	San Francisco	20
Neurea	Brit.	264	Mar. 8 "	Amoy	70
Tuskina	Am.	422	" "	Port Philip	280
Monsoon	"	404	Mar. 16 "	Port Philip	285
Alfred	Brit.	788	Mar. 17 "	Melbourne	453
Hashemy	"	523	Mar. 23 "	Port Philip	336
Whistler	Am.	922	" "	Melbourne	418
Nina	Brit.	95	Mar. 24 "	Shanghai	2
Ameer	"	459	Mar. 28 "	Port Philip	214
Race Hound	Am.	500	Mar. 30 "	San Francisco	100
Vigilant	Brit.	257	Mar. 31 "	Melbourne	196
Elizabeth	"	711	" "	Port Philip	320
Thos. Fielden	"	904	" "	Melbourne	423
Menado	Dutch	717	" "	Hobson's Bay	308
India	Brit.	573	April 4 "	Port Philip	266
Gundreda	"	450	April 10 "	Shanghai	25
Forerunner	"	141	April 12 "	Amoy	25
Sting Ray	Am.	846	April 3 "	San Francisco	301
Eliza Jane	Brit.	564	April 14 "	Port Philip	264
Nile	"	378	" "	Melbourne	173
Stephen Baldwin	Am.	634	April 17 "	San Francisco	262
Resolução	Portug.	689	April 19 "	Melbourne	317
Hannah	Brit.	261	April 20 "	Port Philip	100
Wild Pigeon	Am.	1,000	April 21 "	Foo-Chow-Foo	16
Alverton	Brit.	409	April 27 "	Port Philip	187
Science	Am.	380	April 28 "	East Coast	3
Colibri	Dan.	202	May 2 "	Singapore	4
Victoria	Peru	894	May 3 "	Hobson's Bay	426

Vessel.	Flag.	Tons.	Date sailed.	Destination.	Number of Passengers.
				Brought over -	11,849
Maria Natividad -	Peru -	518	May 3, 1855	Port Philip -	215
J. W. A. Lorenzen -	Ham. -	749	May 9 "	Hobson's Bay -	357
Melane -	Brit. -	136	" "	Shanghai -	12
Bombay -	" -	513	May 11 "	Port Philip -	230
Banner -	" -	133	May 15 "	Amoy -	4
Louisiana -	Am. -	250	" "	San Francisco -	5
St. Joseph -	French -	811	" "	San Francisco -	290
Arturo -	Brit. -	700	May 25 "	Hobson's Bay -	332
General Chassé -	Dutch -	300	May 31 "	Amoy -	70
Johanna -	" -	445	June 5 "	Shanghai -	14
Nestorian -	Am. -	697	" "	Shanghai -	25
Hamilton -	Brit. -	438	June 6 "	Shanghai -	12
General Blanco -	Hano. -	985	" "	Hobson's Bay -	520
Mariner's Hope -	Brit. -	240	June 9 "	Singapore -	4
Primera de Santander -	Span. -	550	June 15 "	Manila -	2
Lizzie Jarvis -	New Gren. -	500	June 16 "	San Francisco -	42
Aar -	Hamb. -	450	" "	Amoy -	1
Clarita -	Peru -	200	June 18 "	East Coast -	6
Taranta -	Port. -	320	June 22 "	Shanghai -	12
Tiger -	Brit. -	146	June 28 "	West Coast -	2
Hamlet -	" -	420	July 3 "	Amoy -	50
Adelaide -	" -	285	July 5 "	Amoy -	45
Cristina -	" -	272	July 7 "	Shanghai -	30
New Margaret -	" -	411	July 15 "	Shanghai -	15
Unicorn -	" -	900	July 20 "	Shanghai -	30
Frederick VII. -	" -	131	July 21 "	Shanghai -	9
Mariner's Hope -	" -	246	" "	Singapore -	4
Audax -	" -	150	July 24 "	East Coast -	3
R. B. Forbes -	Am. -	756	July 26 "	Shanghai -	2
Nina -	Brit. -	98	" "	Shanghai -	4
Homer -	" -	595	July 28 "	Amoy -	200
Paul Johan -	Netherd. -	600	July 30 "	Foochow -	2
Betah -	Brit. -	177	" "	Shanghai -	20
Banner -	" -	133	Aug. 2 "	West Coast -	5
Abbotsford -	" -	425	Aug. 4 "	Amoy -	8
Lizzie -	New Gren. -	373	Aug. 6 "	San Francisco -	21
Snow Squall -	Am. -	742	Aug. 11 "	Shanghai -	8
Black River Packet -	Brit. -	265	Aug. 14 "	East Coast -	50
Paquita -	Span. -	348	" "	Manila -	5
Excellent -	Dan. -	300	Aug. 15 "	Shanghai -	6
Favorite -	Siam. -	556	Aug. 17 "	Amoy -	20
Horatio -	Am. -	460	" "	Shanghai -	2
Confucius -	Brit. -	500	Aug. 20 "	Amoy -	100
Antoinette -	" -	219	Aug. 23 "	Shanghai -	1
Nairn Balgyce -	Dutch -	330	Aug. 24 "	Amoy -	20
Lima -	Ham. -	219	" "	Shanghai -	10
Keenan Hasselar -	Dutch -	698	Aug. 25 "	San Francisco -	20
Ocean Queen -	Siam. -	500	Aug. 27 "	Amoy -	50
Mary Spencer -	Brit. -	479	Aug. 28 "	San Francisco -	4
Eaglet -	" -	241	Aug. 30 "	West Coast -	3
Cambalu -	" -	536	Aug. 31 "	Shanghai -	2
Taranta -	Portug. -	297	Sept. 1 "	West Coast -	6
Ann -	Brit. -	169	" "	Amoy -	15
Siam -	Siam. -	250	Sept. 6 "	Amoy -	48
Lontra Eagle -	Brit. -	139	Sept. 10 "	Canton -	30
Amoy -	Dutch -	474	Sept. 14 "	Amoy -	70
Betty -	Dan. -	170	Sept. 15 "	Shanghai -	3
Homer -	Brit. -	595	Sept. 17 "	Whampoa -	12
Africa -	" -	515	Sept. 18 "	Shanghai -	1
Christina -	Dutch -	343	Sept. 21 "	Shanghai -	30
Annie -	New Gren. -	307	Sept. 22 "	Port Philip -	14
Carman -	Peru -	350	Sept. 24 "	Shanghai -	9
Johan Christople -	Dan. -	272	" "	Shanghai -	-
				Total -	14,991

Harbour Master's Office, Victoria, Hongkong,
October 5, 1855.

(Signed)

THOS. V. WATKINS,
Harbour Master.

No. 15.

No. 15.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 11.)

Downing Street, December 8, 1855.

SIR,

18 & 19 Vict. c. 104.

I TRANSMIT to you herewith copies of an Act (18 & 19 Vict. c. 104.) passed during the last session of Parliament for the regulation of Chinese Passenger Ships.

By the last section it is provided that this Act shall come into operation as soon as it shall have been proclaimed in Hongkong, if not previously proclaimed on 1st January next. The period at which the Act will reach you, will of course render a Proclamation unnecessary to bring it into operation. Nevertheless, it will be desirable that you should give it as extensive a publicity as possible.

The object of this Act is to prevent the recurrence (so far as regards British ships or ships sailing from British territory,) of the grave abuses which have existed in the carriage of Chinese emigrants, and with this view it provides that until otherwise enacted by the Legislature of Hongkong, every such ship shall be subject to certain regulations specified in a Schedule to the Act which limits the numbers to be carried, and requires a specified supply of provisions, water, medicines, and medical comforts. The duty of certifying that these regulations have been observed, is devolved on the "Emigration Officer," and any ship sailing without such certificate is made liable to forfeiture.

If you should decide, for the present at least, not to exercise the power of legislation confided to the Legislature of Hongkong, but to leave the regulations of the Act in operation, I should see no objection to that course. But in that case it would be necessary that you should at once issue a Proclamation, under the 3rd section to determine the length of voyages of Chinese passenger ships, and to make any alterations which you may think desirable in the scale of provisions, medicines, and medical comforts. I must also point out that in consequence of an alteration in the House of Lords, the "note" to Schedule A. has become inconsistent with the body of the Act, and it would therefore be necessary in publishing the Act to add another note to point out this inconsistency, and that the penalty for breach of the regulations has been reduced from forfeiture of the ship and a fine, to a misdemeanor.

But if you should decide on substituting a local Act for these regulations, it would be essential that you should not diminish the protection which Parliament intended to provide for the Chinese passengers in matters affecting his health. You should not for instance reduce the superficial or cubical space to be allowed to each passenger in the between decks, nor should you except on very strong grounds diminish the space required by the regulations on the upper deck. Considering the latitudes through which Chinese passenger ships must pass, it is very important that there should be sufficient space on the upper deck to allow the great bulk of, if not all, the people to be collected there in the day time. Otherwise the between decks can never be sufficiently ventilated and cooled. In other respects I should desire to leave your discretion and that of the Council unfettered. You will observe that any ordinance which you may pass will require the confirmation of Her Majesty before it comes into operation.

But whether you continue the regulations of the Act, or substitute for them a local ordinance, it is evident that the principal responsibility in carrying the law into operation will devolve on the emigration officer. It is that officer who is to decide on the number that a ship may carry, to ascertain that she is seaworthy and properly fitted, manned and stowed, to inspect her provisions and water, and to enquire whether the passengers understand the contracts into which they have entered. It will also be his duty to see to the due execution of the bond required under the fourth section by the master and two sureties, and to ascertain the sufficiency of any sureties proposed to him. In filling up the bond the names of the master and their sureties with their additions must of course be inserted at full length. Upon the manner in which these duties are performed, will depend, almost entirely, the amount of protection which the emigrants will obtain.

To assist the emigration officer in the performance of his duties, I have obtained from the Emigration Commissioners a memorandum* showing the instructions issued by them to their officers in this country for the performance of duties similar to those which will devolve on the emigration officer in reference to a Chinese passenger ship. These instructions will probably not be applicable in all respects to Chinese passenger ships, but they will show the minute attention paid in this country to questions relating to the seaworthiness of passenger ships, the number of passengers they may carry, their ventilation, and the goodness of their provisions and water. Too great vigilance cannot be exercised on these points, and it is therefore indispensable that the officer entrusted with the duty should be a man of energy, decision, and firmness; acquainted with shipping, and capable of exercising a sound judgment in the matter of provisions, &c. You would not hesitate, should it appear to you necessary, to make any changes among the holders of office in the colony, which would secure the appointment of a thoroughly efficient officer.

* Printed Volume
of Instructions.

In respect to the appointment of emigration officers at other ports than Hongkong, if such appointments should be deemed requisite, and in respect to all that relates to Her Majesty's consuls, you will receive instructions from the Secretary of State for Foreign Affairs.

Governor Sir John Bowring,
&c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

No. 16.

No. 16.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 27.)

SIR,

Downing Street, January 22, 1856.

WITH reference to that part of my despatch of the 8th* instant which refers to the possible appointment of emigration officers at some of the legalized ports in China, I have now to inform you that Her Majesty's Government have decided, for the present at least, to appoint no emigration officer elsewhere than at Hongkong. This decision will make it necessary that every British ship carrying passengers from China should repair in the first instance to Hongkong to obtain her emigration papers. But as the district from which emigrants are likely to be procured lies between Amoy and Hongkong, and during the north-east monsoon (when the principal emigration in British ships is likely to be carried on), is practically nearer to Hongkong than Amoy, I do not anticipate that any material inconvenience will be caused by this arrangement. The facilities which it will afford for carrying out the Act and preventing the abuses which have prevailed in this trade are too obvious to require notice.

* Page 24.

But as under these circumstances it may be expected that passenger ships will arrive at Hongkong to be surveyed and obtain their emigration papers, with their passengers, stores and cargo already on board, it will be necessary that the emigration officer should exercise discretion as to the manner in which he should perform the duties imposed on him in regard to the survey of the ship, &c. In the "substance of instructions issued to emigration officers" in this country, which I transmitted in my despatch of 8th instant, it is assumed, as you will perceive, that the ship can be entirely cleared of cargo and passengers before she is surveyed, and consequently that a thorough examination may be made of her both inside and outside. This of course would be impossible in the case of ships arriving at Hongkong with their passengers, &c., on board. In that case, therefore, the emigration officer must take the best means in his power to satisfy himself as to the ship's seaworthiness, bearing in mind that while his first duty is to see that nothing is omitted which may be necessary to the safety of the ship and her passengers, it is also indispensable that nothing should be done which would throw an unnecessary or vexatious obstacle in the way of legitimate trade. The same remarks will apply to the instructions in regard to fittings and ventilation. Provided these be in the

(250.)

D

opinion of the emigration officer sufficient for security and health, it would not be desirable that he should attempt to follow strictly the rules observed in this country.

Governor Sir John Bowring,
&c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

No. 17.

No. 17.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 36.)

SIR,

Downing Street, March 7, 1856.

WITH reference to my despatch No. 11 of the 8th of December, I have to acquaint you that Her Majesty's Government consider it desirable that the British Consuls abroad should be furnished with copies of all regulations issued by the Governor of Hongkong in pursuance of the Chinese Passengers' Act.

I have, therefore, to request you to transmit to me a sufficient number of copies of such regulations as are in force, in order that they may be forwarded through the Foreign Office to Her Majesty's Consuls, by which means they are more likely to reach those officers than if sent direct from Hongkong.

Governor Sir John Bowring,
&c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

No. 18.

No. 18.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
H. LABOUCHERE, M.P.

Government Offices, Victoria, Hongkong,
February 5, 1856.

(No. 20.)

SIR,

(Received April 10, 1856.)

I HAVE the honour to inform you that towards the end of last month a copy of the "Chinese Passengers' Act, 1855," was placed in my hands by a private resident in the colony.

Seeing from the last clause that it was actually in force here even without notification from the Government, I determined, on the authority of the *London Gazette* officially received, in which it was announced as having obtained the Royal Assent, to publish it at once and enforce it from the date of publication.

Accordingly the enclosed notification and proclamation, dated 25th and 26th January respectively, were drawn up and appeared in the Government Gazette.

A few days after the above date I had the honour to receive your despatch, No. 11, of 8th December last, with the Act enclosed.

A second notification was in consequence prepared and will appear in next Saturday's Gazette.

I enclose copy of it; and I also have to report that, as it may be impossible to procure a European surgeon for every vessel leaving this with emigrants, and as Schedule A. under the first regulation, regarding instruments, &c., seems to contemplate such impossibility, I have directed the emigration officer to procure from the master a declaration of his inability to engage a regular practitioner, and to permit the employment of a person otherwise competent, and possessing the confidence of the passengers.

The Right Hon. H. Labouchere, M.P.,
&c. &c. &c.

I have, &c.
(Signed) JOHN BOWRING.

No. 12.

GOVERNMENT NOTIFICATION.

It having been notified in the *London Gazette* of August 17th, 1855, that "the Chinese Passengers' Act 1855" has received the Royal Assent, His Excellency the Governor is pleased to direct the publication of the same for general information.

This Act will therefore be enforced from this date, and the emigration officer has been instructed accordingly.

By Order,

(Signed) W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 25th January 1856.

[Then follows a copy of the Imperial Act, c. 104, 18 & 19 Vict.]

Enclosure 2 in No. 18.

Encl. 2 in No. 18.

(No. 13.)

PROCLAMATION.

JOHN BOWRING.

BY His Excellency Sir John Bowring, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its dependencies, and Vice-Admiral of the same, Her Majesty's plenipotentiary, and chief superintendent of the trade of British subjects in China.

Whereas by an Act of the Imperial Parliament of Great Britain and Ireland passed in this the Eighteenth and Nineteenth years of Her Majesty's reign, entitled an Act for the regulation of Chinese passenger ships, under the third clause thereof it is enacted, that "it shall be lawful for the Governor of Hongkong to declare by proclamation "for the purposes of this Act, what shall be deemed to be the duration of the voyage of any Chinese passenger ship:—

Now therefore I, Sir John Bowring, Governor as aforesaid, by this my proclamation issued for that purpose, do declare that the following shall be the rule of computation by which the length of the voyage of any ship carrying Chinese passengers from Hongkong to the several places herein-after mentioned shall be computed, for the purposes of the Act above referred to; that is to say:—

Passage from Hongkong to the under-mentioned places for ships propelled by sails.

	In the months	
	October to March.	April to September.
	(both inclusive.)	
California or West Coast of America, North of the Equator	100 days.	75 days.
West Coast of America, South of the Equator	120 "	120 "
Sandwich Islands	75 "	56 "
New Caledonia, New Hebrides, Feejee Islands, Tahiti, Society or Friendly Islands	100 "	100 "
Sydney, Melbourne, or South Australia	60 "	80 "
Western Australia	45 "	60 "
Van Diemen's Land	65 "	80 "
New Zealand	75 "	90 "
Manila	20 "	20 "
Singapore	20 "	45 "
Batavia	30 "	60 "
Ceylon	45 "	70 "
Madras or Calcutta	50 "	75 "
Bombay	60 "	80 "
Mauritius or Bourbon	60 "	80 "
Cape of Good Hope	65 "	85 "
West Indies, or East Coast of America	147 "	68 "
Great Britain or Europe	162 "	84 "
Siam	20 "	45 "

Given under my hand and seal of the Colony, at the Government Offices, Victoria, Hongkong, this 26th day of January, in the year of our Lord One thousand eight hundred and fifty-six, and in the nineteenth year of Her Majesty's reign.

[L.S.]

By His Excellency's Command,

(Signed) W. T. MERCER,
Colonial Secretary.

GOD SAVE THE QUEEN.

Encl. 3, in No. 18.

Enclosure 3 in No. 18.

(No. 18.)

GOVERNMENT NOTIFICATION.

IN continuation of Government Notification, No. 12, it is hereby further intimated that the "Chinese Passengers' Act, 1855" has now been officially communicated to this Government; and his Excellency the Governor desires to point out, for general information, that in consequence of an alteration made in the House of Lords the "note" to Schedule A. has become inconsistent with the body of the Act, and that the penalty for breach of the regulations has been reduced from forfeiture of the ship and a fine to a misdemeanor.

By Order,

W. T. MERCER,
Colonial Secretary.Colonial Secretary's Office, Victoria, Hongkong,
February 4, 1856.

No. 9.

No. 19.

Copy of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
H. LABOUCHERE, M.P.

(No. 78.)

Government Offices, Victoria, Hongkong,
May 7, 1856.

(Received July 7, 1856.)

Page 26.

SIR,

IN reply to your despatch, No. 36,* of 7th March last, I have the honour to state that the Chinese Passengers' Act was published in the Government Gazette of this colony on the 25th January last, and that the following notifications have been issued in the said Gazette with reference thereto.

No. 13 (proclamation), of 26th January; No. 18, of 4th February; No. 22, of 15th February; No. 34, of 14th March; No. 46, of 9th April; No. 51, of 22nd April; and a notification from the department of the superintendent of trade, dated 12th March.

Of these I beg to forward all the available copies herewith; viz., 25 of Nos. 13 and 51; 12 of Nos. 18, 34, and 46; and six of No. 22; together with two of the notification from the superintendency of trade.

I have, &c.

(Signed) JOHN BOWRING.

Right Hon. Henry Labouchere, M.P.,
&c. &c. &c.

Encl. 1 in No. 19.

Enclosure 1 in No. 19.

[PROCLAMATION, No. 13, January 26, 1856, see page 32.]

Encl. 2 in No. 19.

Enclosure 2 in No. 19.

[GOVERNMENT NOTIFICATION, No. 18, February 4, 1856, see page 33.]

Encl. 3 in No. 19.

Enclosure 3 in No. 19.

(No. 22.)

GOVERNMENT NOTIFICATION.

It is hereby notified that the following fees are charged by the Government surveyor for certifying the seaworthiness or capacity of emigrant ships under the "Chinese Passengers' Act, 1855 :—

Certificate of seaworthiness	-	-	-	-	\$16
Certificate of admeasurement (when required)	-	-	-	-	16

By Order,

(Signed)

W. T. MERCER,
Colonial Secretary.Colonial Secretary's Office, Victoria, Hongkong,
February 15, 1856.

Enclosure 4 in No. 19.

Encl. 4 in No. 19

GOVERNMENT NOTIFICATION.

Diplomatic Department.

HIS Excellency Her Majesty's Plenipotentiary and chief superintendent of British trade in China, &c., &c., has received instructions from the Earl of Clarendon, to the effect that no British vessel is to be permitted to depart with Chinese emigrants for any foreign country until she shall have proceeded to Hongkong, where the emigration officer will be charged to ascertain that the conditions of the Chinese Passenger Act have been fulfilled; and Her Majesty's consular authorities are required to notify these instructions of the Secretary of State in their several jurisdictions.

Her Majesty's Naval Commander-in-Chief will instruct all officers under his authority to assist the Consul in giving effect to the orders of Her Majesty's Government.

By order,
(Signed) G. W. CAINE,

In the absence of the Officiating Secretary
to H.B.M.'s Plenipotentiary.

Superintendency of Trade, Victoria,
Hongkong, March 12, 1856.

Enclosure 5 in No. 19.

Encl. 5 in No. 19.

(No. 34.)

GOVERNMENT NOTIFICATION.

IN order to prevent difficulties arising on board emigrant ships at the moment of intended departure, through unfounded statements by the passengers that their contracts were not properly explained at the time of signature, persons engaging emigrants for labour in the Colonies are advised to convey each labourer before the emigration officer, or before a magistrate, who shall fill in the contract with a full description of the intending emigrant, and certify in the form following, that its purport has been fully and intelligibly explained. At present no fee will be charged for such attestation:

FORM.

Name and Surname of the Labourer contracting (*to be written in the Chinese as well as in the English character*).

Age,

Native Province, District, and Place,

Descriptive Marks,

I certify, that on this day of 185 , in my presence, the within contract was fully, distinctly, and intelligibly (as I believe) explained to the above-named Labourer in a dialect which he understood; that he expressed himself willing to be bound by its terms; and that he received into his own hands, in my presence, the sum of dollars, as advance wages.

(Signed) A. B.

Justice of the Peace for Hongkong.

The attention of merchants and others interested in the emigration business is specially called to the above intimation.

By order,

(Signed) W. T. MERCER,

Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong,
March 14, 1856.

Enclosure 6 in No. 19.

Encl. 6 in No. 19.

(No. 46.)

GOVERNMENT NOTIFICATION.

IN order to prevent unnecessary delay in the despatch of Chinese passenger ships reported ready for sea, notice is hereby given that—

1. It is not permitted to enter any of the passengers on the ship's articles as cooks or stewards (if their names be excluded from the passenger list) notwithstanding that compensation is made, by a remission of passage-money for their services in these their respective capacities.
2. The ship will be detained if passengers whose respective ages exceed 12 years be entered on the list as children.

(253.)

3. To the passenger list must be appended the names of the cabin passengers, if any, the description and number of the crew, and all persons on the ship's articles (mentioning the number of Chinese); and a memorandum of the total number of souls on board the ship.

By order, (Signed) W. T. MERCER,
Colonial Secretary's Office, Victoria,
Hongkong, April 9, 1856. Colonial Secretary.

Encl. 7 in No. 19.

Enclosure 7 in No. 19.

(No. 51.)

GOVERNMENT NOTIFICATION.

It is hereby notified for the information of masters of ships carrying Chinese passengers, and unprovided with the improved appliances usually found in vessels of modern construction, and generally for the information of all interested, that in addition to a windsail for every hatchway, it is required that a constant supply of fresh air be ensured to the between decks in bad weather, by fitting at each end of the space set apart for passengers, two funnels of wood or metal, four in all, with moveable heads, in manner following, that is to say, the body of the air funnel to reach from underneath the lowermost deck overhead to a height of 3 or 4 feet above the uppermost deck, and to pass through holes cut for the purpose in either side of the deck, and made water-tight by a canvas coat or other suitable means.

The attention of the emigration officer has been called to the above regulation.

By order, W. T. MERCER,
Colonial Secretary's Office, Victoria,
Hongkong, April 22, 1856. Colonial Secretary.

No. 20.

No. 20.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Honourable HENRY LABOUCHERE, M.P.

Government Offices, Victoria,
Hongkong April 11, 1856.

(Received June 7, 1856.)

(No. 59.)

SIR,

(Answered No. 95, August 11, 1856, Page 39.)

I HAVE the honour to report that, during the past month of March, two cases were brought to my notice of intended violation of the Chinese Passengers' Act.

One was that of the ship "Levant," which has been seized, and is now in custody of the Marshal of the Vice-Admiralty Court; the other that of the "General Blanco," which, it is to be feared, has succeeded in starting on her disastrous voyage.

Both vessels sailed under the Hawaiian flag, and were owned by the same person.

The enclosed correspondence will give full particulars, and after the decision in the case of the "Levant," I shall have the honour of again addressing you.

As regards the "General Blanco," she was out of colonial jurisdiction when intelligence of her proceedings reached the authorities; but I am anxious to be advised if the position taken by Rear-Admiral Sir James Stirling be correct; that though she possessed no national rights, and was violating a law, no matter of what nation; he was not justified in seizing her on the high seas.

It will be perceived that I made immediate appeal to the Governor of the Portuguese settlement of Macao, who endeavoured, but unsuccessfully, to detain the "General Blanco," for whose passengers I entertain grave apprehensions.

I have, &c.

The Right Hon.
Henry Labouchere, M.P.
&c. &c.

(Signed) JOHN BOWRING.

Enclosure 1 in No. 20.

Encl. 1 in No. 20.

(No. 168.)

Colonial Secretary's Office, Victoria, Hongkong,
March 17, 1856.

SIR,

WITH reference to my private communication made to you yesterday (Sunday), I am directed by his Excellency to ascertain from you full particulars concerning the ship "Levant," which is stated to have been anchored in this harbour, and to have left with passengers, and without a certificate from the emigration officer.

Captain Watkins, R.N.,
Harbour Master.

I have, &c.
(Signed) W. T. MERCER,
Colonial Secretary.

Enclosure 2 in No. 20.

Encl. 2 in No. 20.

(No. 17.)

Harbour Master's Office,
Victoria, Hongkong, March 18, 1856.

SIR,

IN reply to your letter of the 17th instant, No. 168, I beg to report that the "Levant" arrived at Hongkong from Whampoa on the 31st January ultimo, and dropped down to Green Island on the 15th instant, where she still remains. The "Levant" is under the Hawaiian flag, and commanded by Albert Wood; the owner I believe is a Mr. McCormick, a Hawaiian subject, now I understand at Whampoa.

The crew of the vessel were partly entered at this office, and the ship's articles are still here, to have the remainder of her complement added, when they can be procured.

The Hon. W. T. Mercer, Esq.,
Colonial Secretary.
&c. &c.

I have, &c.
(Signed) THOS. V. WATKINS.

Enclosure 3 in No. 20.

Encl. 3 in No. 20.

(No. 184.)

Government Offices, Victoria, Hongkong,
March 19, 1856.

SIR,

I HAVE the honour to apply to your Excellency for assistance under the following circumstances:—

The ship "Levant," owned, as reported, by a Hawaiian subject, but possessed of no register, sailing letter, or other sufficient papers, is lying off Green Island with say 200 Chinese passengers on board, having dropped down beyond harbour limits yesterday evening.

The Chinese passengers are bound for Melbourne, and I believe it is intended to clear the ship, if possible, for Macao, the voyage for which being under seven days' duration, the vessel is assumed to be beyond the provisions of the Chinese Passengers' Act.

But the ship's articles are in custody of the harbour master, who is instructed not to deliver them up, till the master, by anchoring again within the harbour, shall place himself in a position to demand them.

I am this instant given to understand the vessel is now moving once more within the harbour limits for this purpose.

By the interpretation clause of the Chinese Passengers' Act the "Levant" comes clearly under the definition of a Chinese passenger ship, as carrying from this port "more than twenty passengers, being natives of Asia."

As regards her plea, if offered, that her voyage is to Macao, and therefore, by its duration, not bringing her under the Act, the passengers themselves will upset this, as will also the fittings, the provisions, and the general preparations made.

I should here remark that the "Levant" has no certificate, nor has she applied for such, from the emigration officer of this colony.

Under section 6 of the Act the commander of a ship of war belonging to Her Majesty has power to search a vessel such as this, and by section 10 to seize and detain her.

I therefore request your Excellency's assistance, as Her Majesty's Government have issued stringent instructions that this Act of Parliament be firmly enforced, and by section 11 of the Act, no responsibility will attach to any naval officer for acts done as above advised.

The Attorney-General will advise further proceedings when the "Levant" is reported under seizure.

As your Excellency may remark, that it is in the power of the emigration officer to make the seizure under section 6, I would observe that the naval authority is first specified under that section, and also that it is advisable to employ an armed force to prevent opposition.

(250.)

The "Chinese Passengers' Act, 1855" is published, should your Excellency not be furnished with a copy of it by authority from home, in the Government Gazette of this colony, 2nd February 1856.

I have further to suggest to your Excellency that, independently of the operation of the Chinese Passengers' Act, the "Levant" is liable to seizure and legal proceedings on the ground of insufficient papers.

His Excellency,
Rear Admiral Sir James Stirling,
&c. &c. &c.

I have, &c.
(Signed) JOHN BOWRING,
Governor, &c.

Encl. 4 in No. 20.

Enclosure 4 in No. 20.

(No. 185.)

Colonial Secretary's Office, Victoria, Hongkong,
March 19, 1856.

SIR,

THE ship "Levant," apparently unregistered, is reported to have, say, 200 Chinese passengers on board for Melbourne, and has applied for her ship's articles, in possession of the harbour master, the master giving out that he is bound for Macao.

His Excellency the Rear-Admiral has been written to, but Sir John Bowring is afraid that active assistance may not be rendered by the navy, though the Admiral's reply has not yet been received.

It is possible, however, that the Admiral may require some application from the emigration officer, who has like power to seize under the Act; and his Excellency the Governor therefore directs you to make full inquiry into the circumstances of the "Levant's" case, then to apply to the Admiral for aid; and finally to report proceedings to this office for his Excellency's information.

The Hon. C. B. Hillier, Esquire,
Emigration Officer.
&c. &c.

I have, &c.
(Signed) W. T. MERCER,
Colonial Secretary.

Encl. 5 in No. 20.

Enclosure 5 in No. 20.

Winchester, at Hongkong,
March 20, 1856.

SIR,

I HAD the honour to receive yesterday evening your Excellency's Despatch of yesterday's date, and having had this morning a conference with you, I now proceed to reply to the application for assistance contained in that communication.

In the first instance, I have the honour to state that I am ready and willing to despatch, at an instant's notice, such assistance as may be sufficient, in men and boats, to prevent opposition, by persons on board the ship "Levant," to the legal exercise of authority on the part of any officer appointed by your Excellency to give effect, within the limits of this colony, to the provisions of the Act for the regulation of Chinese passenger ships. I only await the expression of your wishes in this respect, and in the meantime suggest that such officer be sent at once to my flag-ship, in order that the necessary force may accompany him from this to the "Levant."

In the 9th, 10th, 11th, and 12th paragraphs of your Excellency's Despatch it is intimated that a commander of a ship of war belonging to Her Majesty has power to search a vessel such as the "Levant," and to seize and detain her, and that no responsibility will attach to naval officers for such proceedings; and that the Attorney-General will advise further proceedings when the "Levant" shall be reported under seizure; and your Excellency requests my assistance to enforce the Act in question, it being, as you inform me, the desire of Her Majesty's Government that the Act should be enforced with firmness.

In these circumstances, I am naturally anxious to give effect to your Excellency's application, and I have to notify to you that in the event of your considering it impossible that the seizure or detention of the "Levant" can be effected by any officer appointed by you to carry out the provisions of the Act, I shall, in this instance, direct a naval officer to detain her until further instructed.

Awaiting your Excellency's reply,

Governor Sir John Bowring,
&c. &c. &c.

I have, &c.
(Signed) J. S. STIRLING,
Rear-Admiral and Commander-in-Chief.

Enclosure 6, in No. 20.

Encl. 6 in No. 20.

(No. 183.)

Colonial Secretary's Office, Victoria, Hongkong,

March 20, 1856.

SIR,

ON Dr. Harland's certificate, his Excellency sanctions your leave of absence to Macao for 10 days, as applied for by you in your letter, No. 19, of this date.

Before your departure, however, I shall be obliged by your giving me further particulars about the ship "Levant," in addition to those furnished in your letter, No. 17, of 18th instant.

It is necessary to know what steps you took on learning that the "Levant" had no regular papers; at what date you ascertained that she had Chinese passengers on board; whether inquiry (and of what nature, and when) was made by you into the peculiar position of this ship; and if she complied with all the harbour regulations previously to her leaving the harbour and dropping down to Green Island, on the 15th, as reported by you on the 18th.

It is of great importance that you supply, without delay, a detailed account of the movements and transactions of this ship while under your authority in this harbour, and the measures adopted by you, from time to time, with reference to her.

I have, &c.

(Signed)

W. T. MERCER,

Colonial Secretary.

Captain Watkins, R.N.,
Harbour Master.

Enclosure 7 in No. 20.

Encl. 7 in No. 20.

(No. 7.)

Emigration Office, Hongkong,

March 21, 1856.

SIR,

I HAVE the honour to acknowledge the receipt of your letter, No. 185, of 19th instant, and, from inquiries made on board the "Levant" and elsewhere, am enabled to report, for the information of his Excellency the Governor, as follows:—

The "Levant," a ship of 382 tons, sailed under the flag of the United States of America, and was recently sold to James McCormick, an American citizen, naturalized, under the Government of the Sandwich Islands, who chartered her to a Chinese named Chong Ahoy, for the conveyance of emigrants to Melbourne. I have seen the bill of sale and a communication from Mr. Jardine, the Hawaiian Consul, to the effect that a sailing letter will be granted as soon as the usual documents are presented for verification.

It was arranged that she should prepare for sea in this harbour, get a clearance for Macao, take her passengers on board in the vicinity of this city, beyond the limits of the port, then proceed for emigration papers to Macao, and thence to Melbourne. Through a mistake of the mate, she sailed beyond these limits and took on board her passengers before she had obtained a port clearance from the harbour master, and this document being, in consequence, refused, she returned to the harbour with her passengers on board. It is stated that a portion of these were, through inadvertance, embarked within the limits of the port; but of this I have not yet been able to obtain any certain information. No notice was given to the emigration officer that the ship was fitting for passengers.

Mr. McCormick informs me that he despatched the Hawaiian ship "Emma" from this place under similar circumstances, and intends to pursue the same course with the ship "General Blanco," sailing under the same flag, being assured by his legal adviser that by so doing he does not infringe the provisions of the Chinese Passengers' Act of 1855.

Under these circumstances, before attempting to move his Excellency the Rear-Admiral to so serious a measure as the seizure of the vessel, I beg for the opinion of the legal adviser to the Government whether, on the facts stated, this ship has become liable to forfeiture, under the 8th section of the Chinese Passengers' Act.

I have, &c.

The Hon. W. T. Mercer, Esquire,
&c. &c. &c.

(Signed)

C. B. HILLIER,

Emigration Officer.

(Copy.)

I see nothing in the circumstances above detailed to warrant a delay. No time should be lost in seizing the vessel for the purpose of forfeiture, under the Chinese Passengers' Act. The harbour regulations ordinance, which has been violated, as appears by Captain Watkins' letter, ought also to be enforced. I cannot advise the postponement of process until to-morrow, as it is doubtful how far it can be legally executed on a Sunday. Easter Monday, again, is a close holiday. If the vessel proceeds to sea in the meantime, it will be hard to clear the Executive of the laches which will have enabled her to do so.

(Signed)

T. CHISHOLM ANSTEE.

Attorney-General's Office, March 22, 1856.

The emigration officer must act on the Attorney-General's opinion.

By order,

(Signed)

W. T. MERCER,

Colonial Secretary.

Encl. 8 in No. 20.

(No. 22.)

Enclosure 8 in No. 20.

SIR,

Victoria, Hongkong, March 21, 1856.

IN reference to your letter of the 20th instant, No. 188, I have the honour to report,—

1st. That I was not aware, nor had I any suspicion, that the "Levant" had no regular papers: some time after the vessel's arrival from Whampoa the crew were discharged, and, when the master came to enter a fresh crew, he brought the ship's register to the office, merely that the tonnage might be taken from it and inserted in the new articles; being under a foreign flag, with a Consul at the port, he is the person in whose custody the papers ought to be placed, and who would judge as to whether they were correct and regular or not; the articles were brought to the shipping office at the request of Mr. Jardine, simply for the convenience of entering the men there at once, until the crew was completed, instead of giving the men the trouble of going to East Point.

2nd. The date I first ascertained that the "Levant" had Chinese passengers on board was Sunday last, the 16th instant, communicated by the note of Mr. Murrow enclosed in yours of that date.

3rd. On Monday, the 17th instant, I sent to ascertain the position of the "Levant," what Chinese passengers she had on board, and the reason for her moving down, but was unable to remain at office, and for hours totally unequal to any effort or exertion from a severe attack of diarrhoea and fever; the "Levant" was then within the limits of the harbour, and had a number of Chinese on board.

4th. Before the "Levant" dropped down to Green Island on the 5th instant, she had complied with all the regulations of the port as far as I have any means of judging.

5th. During the night of the 18th instant, the "Levant" left the harbour and returned again on the 19th, as reported in my letter of that date: after office hours on that day, application was made to the acting chief clerk for a clearance, and refused on the ground of her not having the emigration officer's certificate: on the following day the application was renewed for a clearance for Macao, and again refused; the circumstance being reported to you, as I understand, by the acting chief clerk.

I have, &c.

(Signed) THOS. V. WATKINS,
Harbour Master.

Hon. W. T. Mercer, Esquire,
Colonial Secretary.

Encl. 9 in No. 20.

Enclosure 9 in No. 20.

(No. 190.)

Government Offices, Victoria, Hongkong,
March 22, 1856.

SIR,

IN acknowledging your Excellency's reply of the 20th to mine of the 19th instant, I beg to inform your Excellency that in my opinion, confirmed by that of the Honourable the Attorney-General, there is no authority here to whom I could, under the Chinese Passengers' Act, and the circumstances of this case, delegate authority to seize or detain the ship "Levant," until at least after an appeal for this service to your Excellency.

That appeal I have now the honour to make, and I am informed that the ship in question is expected to leave the harbour instantly.

I have, &c.

(Signed) JOHN BOWRING,
Governor, &c.

His Excellency Rear-Admiral Sir James Stirling,
&c. &c. &c.

Encl. 10 in No. 20.

(No. 8.)

Enclosure 10 in No. 20.

SIR,

"Winchester," at Hongkong, March 22, 1856.

I HAVE the honour to inform you that in compliance with the requisition for assistance contained in your despatch of the 19th instant, and still further urged in your communication of to-day, I have caused the Hawaiian ship "Levant" to be seized and detained this evening, and for further security removed to an anchorage near this ship.

Having taken these steps solely with a view of giving effect to your Excellency's application for aid, and having no intention on my own part to proceed against the vessel seized, and it being necessary that the officer and seamen of the "Winchester," at present in custody of the "Levant," should return to the "Winchester" as speedily as possible, I request you will give directions for such proceedings to be taken as you may see fit to adopt, in order that the naval department may be relieved of further charge.

I have, &c.

(Signed) JAMES STIRLING,
Rear-Admiral and Commander-in-Chief.

Governor Sir John Bowring,
&c. &c.

Enclosure 11 in No. 20.

Encl. 11 in No. 20.

(No. 8.)

Emigration Office, Victoria, Hongkong,
March 22, 1856.

SIR,

I HAVE the honour to report for the information of his Excellency the Governor that, immediately on the receipt of the Attorney-General's opinion covering the facts detailed in my letter, No. 7, of 21st March, I waited on his Excellency the Rear-Admiral, placed these documents in his hand, and said that I had been instructed by his Excellency the Governor to ascertain the circumstances attending the departure of the "Levant," and to request that the law might be enforced against her in conformity with the 10th section of the Chinese Passengers' Act, 1855. That these circumstances were as stated in my letter, with the difference that, after further enquiry, I had no longer a doubt that the vessel had embarked a considerable portion of her passengers within the limits of the port, and had sailed beyond the limits with these on board. I added that, although the Act conferred on me no power to seize, I was quite ready to point out the vessel, and to accompany for this purpose any force that might be sent in execution of the law; and, lastly, I suggested the probability that, unless the measures taken were of a very prompt character, endeavours would be made to withdraw the ship from British jurisdiction.

To all which, after a conversation of some length, his Excellency finally replied that he was willing to enforce the law if the Colonial Government would assure him that they had no officer of their own competent to this service; that he had already written to his Excellency the Governor to this effect, and now awaited a reply.

Soliciting, therefore, the further instructions of his Excellency the Governor,

I have, &c.

The Right Hon. W. T. Mercer, Esq.,
Colonial Secretary.

(Signed) C. B. HILLIER,
Emigration Officer.

Enclosure 12 in No. 20.

Encl. 12 in No. 20.

(No. 192.)

Government Offices, Victoria, Hongkong,
March 24, 1856.

SIR,

I HAVE the honour to acknowledge the receipt, on Saturday evening, of your Excellency's letter, informing me of the seizure and detention of the ship "Levant," in compliance with my requisition for assistance from the naval authorities.

In furtherance of your desire that the naval force in charge of this vessel be relieved without unnecessary delay, I have consulted the Honourable the Attorney-General, who advises that the naval officer making the seizure apply to Mr. Gaskell, Queen's Proctor, under sections 10 and 11 of the Chinese Passengers' Act.

The Proctor will thereon apply to the Marshal of the Vice-Admiralty Court to take charge of the ship, and your Excellency will not be troubled with the further custody of her.

The Attorney-General shall be instructed to look after the subsequent proceedings, and the Colonial Secretary has communicated with Mr. Gaskell.

I am, &c.

Rear-Admiral Sir James Stirling,
&c. &c. &c.

(Signed) JOHN BOWRING,
Governor, &c.

Enclosure 13 in No. 20.

Encl. 13 in No. 20.

(No. 193.)

Colonial Secretary's Office, Victoria, Hongkong,
March 24, 1856.

SIR,

THE ship "Levant" has been seized, at the request of his Excellency the Governor, by the naval authorities for breach of the Chinese Passengers' Act, 1855.

His Excellency the Rear-Admiral is anxious to be relieved from the charge of her as soon as possible, and I am instructed to desire that you will place yourself, as Queen's Proctor, in communication with the Honourable the Attorney-General, and take, without delay, the necessary steps for bringing the case into the Vice-Admiralty Court, and placing the vessel in custody of the Marshal.

The Admiral is anxious that the depositions be taken to-day.

I have, &c.

William Gaskell, Esq.,
Queen's Proctor.

(Signed) W. T. MERCER,
Colonial Secretary.

Enclosure 14 in No. 20.

Encl. 14 in No. 20.

(No. 195.)

Colonial Secretary's Office, Victoria, Hongkong,
March 24, 1856.

SIR,

WITH reference to your letter No. 22, in reply to mine, No. 188, I have the honor to make the following observations:—

You say that the master of the "Levant" brought the ship's register to your office. But it was at your office that I learnt that the ship had no register, and from subsequent inquiry I am led to think still that she has none.

(250.)

E 2

Again, you say that the ship was under a foreign flag, with a consul at this port. I must point out that this Government is not aware of any Hawaiian Consul at this port, so that, even admitting the "Levant's" right, which is more than doubted, to fly the Hawaiian flag, it is in your office that her papers would be properly deposited.

And, again, you state that the "Levant," before dropping down to Green Island, had complied with port regulations as far as you had the means of judging. As the harbour master is fully furnished with these means, it is presumed that the blue-peter was hoisted as required by section 9 of the Harbour Ordinance; but it is to be regretted that you did not ascertain the circumstances under which the "Levant" was leaving, and make these known at once to the emigration officer or myself.

As the matter stands, a flagrant breach of the Chinese Passengers' Act has been, to all appearance, deliberately committed or planned in this harbour, and no notice has been taken of it by the proper authorities.

However, the vessel is now seized, and will be brought into the Vice-Admiralty Court for adjudication, so it is only necessary for me to call your attention to the point I have first above mentioned, and request to know if a register was at any time produced to you by the master of the "Levant."

Captain Watkins, R.N.,
Harbour Master.

I have, &c.
(Signed) W. T. MERCER,
Colonial Secretary.

Encl. 15 in No. 20.

Enclosure 15 in No. 20.

(No. 198.)
SIR,

Colonial Secretary's Office, Victoria, Hongkong,
March 25, 1856.

I HAVE to request that you will forward to me, under sealed cover, the ship's articles of the "Levant," of which I verbally directed you to retain possession.

I should wish these by 11 a.m. to-morrow at latest.

H. Gunthorpe, Esq.
Harbour Master's Office.

I have, &c.
(Signed) W. T. MERCER,
Colonial Secretary.

Encl. 16 in No. 20.

Enclosure 16 in No. 20.

(No. 199.)
SIR,

Colonial Secretary's Office, Victoria, Hongkong,
March 25, 1856.

IN reply to your letter, No. 8, of 22d instant, this day received, I have the honor to inform you that steps have been already taken to place the ship "Levant" in the Vice-Admiralty Court.

Should further instructions to you be necessary, you will either hear from the Queen's Proctor, or I shall have the honor of again communicating with you.

The Hon. C. B. Hillier, Esq.,
Emigration Officer.

I have, &c.
(Signed) W. T. MERCER,
Colonial Secretary.

Encl. 17 in No. 20.

Enclosure 17 in No. 20.

Harbour Master's Office, Victoria, Hongkong,
March 26, 1856.

SIR, IN conformity with request, communicated by your letter, No. 198, of yesterday's date, I have the honor to enclose herewith the articles belonging to the ship "Levant."

The Hon. W. T. Mercer, Esq., Colonial Secretary, (Signed) HENRY GUNTHORPE.
&c. &c. &c.

Encl. 18 in No. 20.

Enclosure 18 in No. 20.

(No. 201.)

Government Offices, Victoria, Hongkong,
March 27, 1856.

SIR,

I HAVE the honour to bring to your Excellency's notice another flagrant case of violation of the Chinese Passengers' Act, 1855, similar in all respects, save one, to that of the ship "Levant," in which your Excellency has already rendered the colonial authorities your valuable assistance.

The "General Blanco" belongs to the same owner as the "Levant," is said also to fly the Hawaiian flag, without any papers, and to have embarked here a large number of Chinese passengers for the colony of Victoria.

I am given to understand, that it is intended to land these men at a place on the coast called Twofold Bay, a considerable distance from Melbourne, which city there will be no probability of their reaching from the bay in question.

If this be true, nothing but death by starvation awaits these unfortunate men.

The case of the "General Blanco" differs from that of the "Levant" in this,—she is lying just outside this harbour, whereas the "Levant," though she proceeded outside, was induced to return, and was thus brought within the jurisdiction of the colony.

With the "General Blanco," however, we have no means of interfering, and I have no alternative but to bring the above facts to the notice of your Excellency, in the hope that your Excellency will exercise your authority and prevent the prosecution of this disastrous voyage by seizing the "General Blanco," which, as I have said, is reported to be possessed of no papers, and consequently of no national rights or privileges, and has on board a very large number of natives of Asia.

It is given out that this ship intended to make for Macao in the first instance.

I have, &c.

His Excellency Rear-Admiral
Sir James Stirling, Knt.,
&c. &c.

(Signed) JOHN BOWRING.

Enclosure 19 in No. 20.

Encl. 19 in No. 20.

"Winchester," at Hongkong,
March 28, 1856.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of yesterday, in which you call my attention to the case of the "General Blanco," a ship which you represent to be under the Hawaiian flag, and at present lying just outside this port, and beyond the jurisdiction of this colony; and in which you inform me that, as, under the circumstances stated, you have not any means of interfering with the "General Blanco," you entertain a hope that I will exercise my authority and seize her, and thereby prevent her from proceeding on the disastrous voyage she is supposed to have in contemplation.

I have the honour to inform your Excellency, in reply, that I have no authority to seize and detain a ship for having violated the Chinese Passengers' Act, even when proof of such violation may be exhibited to me, such ship not being a British ship, and not within Her Majesty's dominions.

I have, &c.

Governor Sir John Bowring,
&c. &c.

(Signed) JS. STIRLING,
Rear-Admiral and Commander-in-Chief.

Enclosure 20 in No. 20.

Encl. 20 in No. 20.

(No. 210.)

Government Offices, Victoria, Hongkong,
March 28, 1856.

SIR,

I HAVE the honour to bring to the notice of your Excellency that the ship "General Blanco" has left this harbour for Macao, on her way to the Australian colonies, with a cargo of Chinese passengers.

She quitted this port without the emigration officer's certificate, or a port clearance from the harbour master, and is understood to be possessed of no legal papers, and to have no claim to the rights and privileges of any national flag.

As I have reason to fear that fraud and injury to the unfortunate emigrants are contemplated, I beg that, should the "General Blanco" come within your Excellency's jurisdiction, your Excellency will take such steps in the matter as the claims of humanity may dictate and the laws of Portugal permit.

I have, &c.

His Excellency Governor Guimarães,
&c. &c. &c.

(Signed) JOHN BOWRING.

Enclosure 21 in No. 20. (Translation)

Encl. 21 in No. 20.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 28th ultimo, informing me that the ship "General Blanco," had sailed irregularly from the port of Hongkong, and that she was bound to Macao.

Whilst thanking you for this information, I have to state that the ship in question actually appeared at anchor in Macao Roads yesterday morning. The master landed and applied at the harbour master's office for a clearance, but this was refused him by my orders until he had produced papers authorizing him to sail lawfully. The master showed only a clearance from Macao from the harbour master of Hongkong, a deed of sale of the

vessel, and some kind of register signed by Mr. Jardine as consul for the Sandwich Islands, the flag of which islands the ship was flying. When the master was asked respecting the cargo of the vessel, he at first hesitated to give an answer, but afterwards stated that he had some Chinese passengers on board, but not Coolies.

Having received the harbour master's report of what was taking place, I desired him to proceed on board the ship and inquire into the description of her passengers, and to take such measures as humanity and the laws dictated in respect of Chinese emigrants; and also to ascertain all further particulars connected with the ship; but this inspection could not be effected, as the vessel set sail the same evening, and, as it appears, and is reported, has proceeded to Hongkong.

God preserve your Excellency,

Macao, April 2, 1856.

(Signed) ISIDORO F. GUIMARAES.

The most illustrious and most excellent Sir John Bowring,
Governor of Hongkong and Her Britannic
Majesty's Plenipotentiary in China.

True translation.

(Signed) L D'ALMADA E CASTRO.

No. 21.

No. 21.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
H. LABOUCHERE.

Government Offices, Victoria, Hongkong,
July 5, 1856.

(No. 109.)
SIR,

(Received Sept. 5, 1856.)

I HAD the honour in despatch No. 59, of 11th April last, to report the seizure of the ship "Levant," for violation of the Chinese Passengers' Act, and I mentioned that after adjudication of the case by the Vice-Admiralty Court I should again have the honour of addressing you on the subject.

I have now to state that on the 17th ultimo the Judge condemned the ship to a fine of 100% and costs, and I enclose a letter from the Attorney-General in which that officer complains of the inadequacy of the punishment, in opinion as to which I myself concur, when I consider the nature of the offence, and the expediency if not necessity of making severe example of the first case occurring under the Act.

I have, &c.

The Right Hon. H. Labouchere,
&c. &c. &c.

(Signed) J. BOWRING.

No. 22.

No. 22.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
H. LABOUCHERE, M.P.

Government Offices, Victoria, Hongkong,
July 8, 1856.

(No. 113.)

SIR,

(Received Sept. 5, 1856.)

* Page 43.

SINCE writing my despatch, No. 109,* of 5th instant, I have learnt that an attempt was made, on behalf of the owner of the "Levant," to procure the remission of that part of the Judge's decree which condemned him in costs.

The motion was heard yesterday and failed, as will be seen from the enclosed letter of the Attorney-General, and the case may now be considered finally settled.

I have, &c.

The Right Hon. H. Labouchere, M.P.,
&c. &c. &c.

(Signed) JOHN BOWRING.

Enclosure in No. 22.

Encl. in No. 22.

The "Levant."

Attorney-General's Office, Hongkong,
July 8, 1856.

SIR,

THIS case was again brought on yesterday by the advocate for the claimant, who moved that so much of the Chief Justice's decree as gave costs should be rescinded, as being contrary to the common law principle that "the Crown neither pays nor receives costs." The unskilful language of the "Chinese Passengers Act" I have more than once had occasion to point out to you, and in no instance is it more apparent than in this. Fortunately I was able to satisfy the Chief Justice that principle and authority supplied what was wanting in that enactment; and it may be that the consciousness of the inadequacy of the trifling penalty (100*l.*) imposed by him to meet the costs and charges, if they were to be defrayed by Government and not by the claimant, contributed to the decree being pronounced once more in my favour.

The motion was refused with costs.

The Hon. W. T. Mercer, Esq.,
Colonial Secretary.

I have, &c.
(Signed) T. CHISHOLM ANSTEY,
Attorney-General.

No. 23.

No. 23.

COPY of a DESPATCH from the Right Hon. the Earl of CLARENDON to
Governor Sir JOHN BOWRING.

(No. 95.)

SIR,

Downing Street, Aug. 11, 1856.

* Page 36.

1. I HAVE to acknowledge the receipt of your despatch, No. 59,* of the 11th of April, with its enclosures relative to the seizure of the "Levant" and the contemplated seizure of the "General Blanco," for violating the Chinese Passengers' Act.

2. It appears that these vessels belong to a Mr. McCormick, who is said to be a subject of the Hawaiian Republic, and that they are sailed under the flag of the Sandwich Islands. It further appears to be the object of the owner to carry on a passenger traffic from Hongkong or its vicinity without complying with the provisions of the Chinese Passengers' Act. With this view his vessels take their passengers on board beyond the limits of the colony, and clear out for Macao only, which being less than a seven days' voyage they are not required by the Act to obtain a clearance from the emigration officer or to provide themselves with emigration papers or to give a bond to the Crown. They contemplate taking a further clearance from Macao for their ultimate destination, or, as would appear from the case of the "General Blanco," sailing from Macao without any such clearance.

3. The "General Blanco" is said to have taken on board a number of Chinese passengers in Hongkong, but proceeded beyond the jurisdiction of the colony before this was discovered, and afterwards sailed for Macao without having been cleared by the emigration officer or given bond, and without any "emigration papers." While she was still in the vicinity of Hongkong, but beyond the limits of the colony, you applied to Admiral Sir J. Stirling to seize her, on the ground that she had violated the Chinese Passenger Act. Sir J. Stirling declined to comply, observing that he had no authority to seize and detain a ship for violating the Chinese Passenger Act, such ship "not being a British ship, and not within Her Majesty's dominions."

4. On this point I feel no doubt that Admiral Stirling was right. The authority to enter and search Chinese passenger ships is strictly limited by the sixth section of the Act to British ships or ships within British jurisdiction. The "General Blanco" fell within neither of these categories. Whatever her nationality she was certainly not a British ship, while the ground of your application to the Admiral was that she was not within British jurisdiction. If, therefore, Sir J. Stirling had seized the ship on the ground of her having violated the Chinese Passenger Act, he would unquestionably have exceeded the powers vested in him by the Act 18 & 19 Vict. c. 104.

5. If a foreign ship, though fitted and prepared in Hongkong, do not take passengers on board till she is beyond its limits, she does not so much evade the law as avail herself of a liberty which the Legislature has not attempted, and I think could not have attempted, to control. If she take passengers on

board in Hongkong, but, in order to evade the Act, take out a fraudulent clearance for Macao, it is for the authorities of Hongkong to consider whether the proof of fraud is sufficient to justify them in detaining the ship before she gets beyond the colonial jurisdiction, and to ensure success in legal proceedings against her. When she has once left the colony she is beyond the power of arrest until she come again within British jurisdiction.

6. In the case of the "Levant," you and the Attorney-General were satisfied that there were sufficient grounds to go upon, and accordingly seized the ship. I hope that the proceedings in that case will lead to the effectual vindication of the law which the owner of that vessel has sought to evade; but whatever the result may be, I anticipate that the course thus adopted will deter foreign owners or masters from attempting to take passengers on board in Hongkong unless they are prepared to comply with the Chinese Passengers' Act.

7. Before closing this despatch, I may advert to a point which, though it has no bearing on the general question, it is as well to set right. In your letter to the Admiral you state that you had been informed that the passengers in the "General Blanco" were to be landed at Twofold Bay in Victoria, which, being distant from Melbourne, nothing but death from starvation awaited them. I can inform you that no such misfortune need be apprehended. Twofold Bay, though distant from Melbourne, is the port of a large pastoral district, and was of sufficient importance to induce the Emigration Commissioners to dispatch a ship to it direct from this country as far back as 1848.

Governor Sir John Bowring,
&c. &c.

I have, &c.
(Signed) CLARENDON.

No. 24.

No. 24.

EXTRACT of a DESPATCH from Governor Sir JOHN BOWRING to the Right
Hon. H. LABOUCHERE, M.P.

Government Offices, Victoria, Hongkong,
July 26, 1856.

(No. 121.)

(Received October 11, 1856.)

(Answered November 20, 1856, No. 32, Page 41.)

"I HAVE attentively read the communication from Sir George Bonham to Mr. Merivale,* on the subject of Coolie emigration from China.

"In the general views of Sir George Bonham I cordially concur. I think there is a great superfluity of labour in China which might advantageously be transferred to the colonies, and the condition of the emigrant might be greatly benefited if proper security could be obtained,—1st, as to the honest purposes and proper fulfilment of the original contract; 2nd, fitting arrangements for the sea voyage; and, thirdly, security, when the period of the contract is expired, for the return of the emigrant (should such be his wish) to his native country.

"But I am afraid no adequate security can be found for giving effect to any of these three conditions. The shipment of Coolies is now almost wholly confined to unlawful ports where there exists no consular control, and where there can be no doubt shocking abuses and abominations prevail. The crimps employed in the collection of emigrants have been hitherto people of the very worst character, and are frequently sacrificed to the vengeance of the people, and of late, in several cases, have been put to death by the mandarins. The profits of the trade, the enormous premiums given for the collection of emigrants, naturally and necessarily create agents of the lowest and most worthless description. As regards contracts entered into between planters and emigrants in our own colonies, no doubt local authority might give them full effect; but in most other countries the correspondence of the Foreign Office will, I apprehend, show that legislation does not provide any sufficient protection for the emigrant labourer.

"The securities for the proper treatment of Coolies during the voyage might be satisfactorily provided, if vessels, let them have collected their emigrants

* This communication will be found printed at page 22 of the Papers presented to Parliament by Her Majesty's Command, "Emigration from China," 1855.

where they may, were compelled to clear out at a port where an emigration office and functionaries are established. But since the existence of the Chinese Passengers' Act, which, from the 1st January last, compels all British emigrant ships to come to Hongkong, in order to have their papers examined, I am aware of only one instance (the "Henry Miller," now in harbour, bound to Havanna) in which a cargo of emigrants has been brought to Hongkong in order to fulfil the conditions of the Act, though I have reason to believe many shipments have taken place from Swatow, Cumsingmoon, and Macao, in none of which is there any British official to control or prevent irregularities.

"I attach much importance to the condition, as referred to by Sir George Bonham, that after the period of contract is expired, there should be an obligation to convey the emigrant home. This condition has been invariably repudiated by contractors, but I think it should be enforced. * * *

"No doubt it would be desirable to circulate among the Chinese all possible information which could attract them to the places of their destination; but such information would be infinitely increased in value if it were furnished by their own countrymen who have preceded them in the countries to which they are invited. If the reputation of a British colony were well established in a district of Kwantung or Fookein no local opposition would prevent emigration to that colony. The Hongkong government might be an auxiliary of great value to the colonies if emigration could be placed on proper foundations, and if it were really in a condition to secure fair contracts, comfortable passages, fit treatment, and ultimate restoration of the emigrant to his native soil; but it is impossible to close one's eyes to the difficulties of the whole question, whether in reference to the character of the agents employed or to the nature of the competition with the vessels of all nations, and, above all, to the temptations which large profits offer to the violation of law."

No. 25.

No. 25.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 132.)

SIR,

Downing Street, November 20, 1856.

I HAVE received and considered your despatch,* No. 121, of the 26th of July last, on the subject of emigration from China.

* Page 40.

I have to acquaint you that unless such means as would meet the approval of Her Majesty's Government can be devised for securing a due proportion of females, it is not contemplated to make any endeavour to set on foot an emigration of Chinese to the British Colonies at the public expense.

I have, &c.

Governor Sir John Bowring,
&c. &c. &c.

(Signed) H. LABOUCHERE.

No. 26.

No. 26.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 111.)

SIR,

Downing Street, September 25, 1856.

I HAVE received through the Foreign Office the copy of a letter* addressed to yourself by Her Majesty's consul at Manilla, dated the 28th June last, regarding the application of the Chinese Passengers' Act to voyages between China and the Philippines, and I transmit herewith for your information the copy of a report from the Emigration Commissioners on the subject.

Sept. 15, 1856.

I have, &c.

Governor Sir John Bowring,
&c. &c.

(Signed) H. LABOUCHERE.

Encl. in No. 26.

Enclosure in No. 26.

SIR,

Emigration Office, September 15, 1856.

18 & 19 Vict. c. 104.

WE have to acknowledge your letter of the 6th instant, enclosing the copy of a letter addressed by Her Majesty's Consul at Manila to the Governor of Hongkong, relative to the application of the "Chinese Passenger Act" to British vessels carrying Chinese emigrants from China to Manila.

2. By the 1st section of the Act, a "Chinese passenger ship" is defined to be "every ship carrying from any port in Hongkong, and every British ship carrying from any port in China or within 100 miles of the coast thereof, more than 20 persons, being natives of Asia." There cannot be a question, therefore, that a British ship carrying passengers between Amoy and Manila is in the meaning of the Act a "Chinese passenger ship." By the 4th section it is provided that no "Chinese passenger ship" shall proceed to sea on a voyage of more than seven days without emigration papers, and any Chinese passenger ship proceeding on such a voyage without such papers, is, by the 8th section, forfeited to the Crown. By a proclamation issued by Sir J. Bowring on the 26th January last, under the 3rd section of the Chinese Passenger Act, the length of voyage from Hongkong to Manila is declared to be 20 days, but we are not aware whether any proclamation has been issued by him declaring the length of voyage from the ports of China to other places. We presume, however, that, even without such a proclamation, any Court before which the question might be raised would have no difficulty in deciding that a voyage from the coast of China to the Philippines was a voyage exceeding seven days.

3. It follows that the "Fortuna," as a British ship carrying more than 20 Chinese passengers on a voyage exceeding seven days, was clearly a Chinese passenger ship, and as such required to be furnished with emigration papers, and that she might have been seized for the want of them by the British Consul at Manila, or by the commander of any of Her Majesty's ships by whom she might have been met at sea. She will be equally liable to forfeiture whenever she may return to any port in Her Majesty's dominions, provided sufficient proof of her neglect of the law can be produced. We think it probable that Sir J. Bowring, who has evinced anxiety to enforce the provisions of the Chinese Passenger Act, will, if he has had the opportunity, have taken steps to enforce the law against the "Fortuna." We do not doubt that he is fully alive to the exact state of the law in regard to her.

We have, &c.

(Signed) T. W. C. MURDOCH,
FREDERIC ROGERS.H. Merivale, Esq.
&c. &c.

No. 27.

No. 27.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 130.)

SIR,

Downing Street, 14th November 1856.

Sir E. Buxton,
October 18, 1856.Emigration Com-
missioners.
October 30, 1856.Ditto, ditto,
November 6, 1856.

I TRANSMIT herewith the copy of a letter and enclosure from Sir E. Buxton, together with two reports from the Colonial Land and Emigration Commissioners, on the subject of the mortality reported to have occurred among the Chinese passengers on board the "Duke of Portland" and the "John Calvin" on the voyage from Hongkong to Havana.

As the mortality on board these vessels appears to have been of deplorable extent, I request that you will furnish me with any information which may exist respecting them at Hongkong.

I have, &c.

(Signed) H. LABOUCHERE.

Encl. 1 in No. 27.

Enclosure 1 in No. 27.

MY LORD,

Cromer, October 14.

I HAVE the honour to enclose for your Lordship's information an extract from the "Shipping and Mercantile Gazette," which gives a dreadful account of the consequences that result from the ill-treatment of Asiatics in their voyage from Hongkong to Cuba.

I have the honour to request, as President of the Strangers' Home for Asiatics, that your Lordship will cause an inquiry to be made into the truth of the fact stated, and as to the condition of the Coolies after their arrival in Cuba.

I am, &c.

The Earl of Clarendon.

(Signed) EDWD. N. BUXTON,
President.

Sub-Enclosure to Enclosure 1 in No. 27.

EXTRACT from the "Shipping and Mercantile Gazette," Friday, 3rd October 1856.

Sub-Encl. to
Encl. 1 in No. 27.

A New York paper mentions the arrival at Havana of four British ships with cargoes of Coolie labourers. One of the ships, the "Duke of Portland," is reported to have sailed from Hong Kong with 500 of these people on board, out of which number she has landed but 202; 130 are said to have died by natural death upon the voyage, and the residue to have drowned themselves. Another vessel, the "John Calvin," lost 110 by "natural death and suicide" in a passage of 185 days, making a total loss in both ships of 240 Coolies. If the information in our American contemporary be correct the affair demands the prompt attention of the Foreign Office. The unfortunate survivors were, it appears, at once drafted upon estates on contracts of eight years' service. We take it for granted that these poor people were voluntary emigrants, and that they simply fell victims to brutal treatment on the voyage. But even this aspect of the affair, if correct, is bad enough, for more reasons than one. Great efforts have been made, more especially of late, to procure a supply of labour for our West India colonies. The scarcity of that commodity lies at the root of the West Indian difficulty. It is advisable by every means to encourage immigration from the East, or from any other quarter where it may be legitimately procured.

In a recent article we dwelt at some length upon the efforts which have been made to procure an adequate supply of labour, more especially in British Guiana, on the results which have followed those efforts, and on the interest attending the discussion of the labour question throughout the West India Islands. It is of the last importance that emigration to the West should not get into disrepute with the labouring classes of British India and China, from which countries large supplies have been heretofore drawn; and nothing is more likely to discourage it than the barbarities which seem to have attended the transport of these recent cargoes to the shores of Cuba. But what if it turns out that they were cargoes of veritable slaves, captured or kidnapped in the Bay of Bengal or the Bay of Hong Kong instead of in the Bight of Benin or the Mozambique Channel and conveyed by British vessels to the slave mart of Havana? So valuable is the trade which the Cuba planters are now driving at the expense of our colonies that they can afford to pay almost fabulous prices for labour, and would risk almost anything to procure it. We take the report we have referred to for as much as it is worth, but we shall watch the progress of the necessary inquiry respecting it with some interest.

Enclosure 2 in No. 27.

SIR,

Emigration Office, October 30, 1856.

Encl. 2 in No. 27.

WE have to acknowledge your letter of the 25th instant, enclosing one from Sir E. Buxton, with an extract from the "Shipping and Mercantile Gazette," and desiring us to report what information we may have respecting the two ships the "Duke of Portland," and "John Calvin," said therein to have sailed from Hongkong to Havana with Chinese passengers, and to have incurred a most frightful mortality on the voyage.

2. In reply, we have to state that we have received no information whatever on the subject of these ships. We have, however, communicated with the owner of the "John Calvin," with whom we are acquainted, and shall endeavour to communicate with the owner of the "Duke of Portland," to ascertain whether they have received any information on the subject.

We have, &c.

(Signed) T. W. C. MURDOCH.
C. ALEXANDER WOOD.

T. F. Elliot, Esq.

Enclosure 3 in No. 27.

SIR,

Emigration Office, November 6, 1856.

Encl. 3 in No. 27.

WITH reference to our report of the 30th ultimo, we have to state that Mr. Duncan Gibb, whom we had supposed to be the owner of the "John Calvin," has informed us that he sold his vessel of that name some time ago, and that the vessel reported to have arrived at Havana with Chinese immigrants, though bearing the same name, is not the same vessel. As there is no vessel of the name in Lloyd's list, we are unable to obtain any further particulars about her.

2. In respect to the "Duke of Portland," the other vessel mentioned in the New York paper, we enclose the copy of a letter which we have received from the owner. It will be seen from this letter that the whole number originally embarked was 330, and that of these, 130, or 2-5ths of the whole, died on the voyage. This is so shocking a mortality that Mr. Labouchere will probably think it right to endeavour to obtain, through Her Majesty's Consul at Havana, as well as from the Governor of Hongkong, some explanation of the causes which led to it.

We have, &c.

(Signed) T. W. C. MURDOCH.
C. ALEXANDER WOOD.H. Merivale, Esq.
&c. &c.

November 1.

Sub.-Encl. to
Encl. 3 in No. 27.

Sub-Enclosure to Enclosure 3.

SIR,

Greenock, November 1, 1856.

IN reply to your favour of 29th ultimo, received this morning, we beg to state that the "Duke of Portland" took on board 330 emigrants (not 500 as reported); of these 130 were lost from natural death (chiefly fever we understand) and *suicide*, but we have no particulars as to the number lost by each cause. The remainder, 200, were safely landed at Havana.

From what we know of the master, we feel certain that no improper harshness would be used towards the passengers. The passage was a very protracted and severe one; besides the severe gales in rounding the Cape of Good Hope for three weeks, three hurricanes were encountered in the Carribean Sea in as many days. Both master and crew were quite exhausted on their arrival; one or two of the latter died, and the chief mate was off duty two months.

S. Walcott, Esq., Secretary.

We are, &c.

(Signed) THOMAS HAMLIN and Co.

No. 28.

No. 28.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 4.)

SIR,

Downing Street, 7th January, 1857.

1. I HAVE had before me various despatches addressed by you to me, and others addressed to the Foreign Department, which have been referred from thence to this office, raising important questions connected with the enforcement of the Imperial statute styled the Chinese Passengers' Act.

2. The questions may be enumerated as follows:—

First. The propriety of any interference by Her Majesty's cruisers, under the provisions of this Act, whether on the high seas or in any place beyond British jurisdiction, either with foreign vessels or with vessels not strictly entitled to any national flag.

Secondly. The application of the Chinese Passengers' Act to vessels proceeding from China to the Philippine Islands.

Thirdly. The practicability of preventing an evasion of the Act, pointed out by Mr. Robertson, Her Majesty's Consul at Shanghae, by means of British vessels conveying emigrants from Hongkong to some unauthorized port in China, and there trans-shipping them into other vessels for conveyance to distant countries.

November 26, 1856.

December 18.

October 31.

3. I transmit to you an extract of a report from the law officers of the Crown, dated the 20th of November, containing their opinion on the two first of these questions, together with an extract of another report, dated the 11th of December, containing their opinion on the third question; I also enclose copies or extracts of two reports from the Emigration Commissioners, dated the 26th of November and the 18th of December, on the subject of emigration to the Philippines, and of a report from them dated the 31st of October on the subject of the evasion pointed out by Mr. Robertson at Shanghae.

4. Some of these questions have been raised by you, as Governor of Hongkong, and others in your capacity of superintendent of trade, but seeing how closely they are connected together, I have settled, in concert with the Earl of Clarendon, that you should receive your directions upon the whole of them in the present despatch. I have, therefore, to instruct you as follows:—

First. No attempt is to be made to enforce the Chinese Passengers' Act against a foreign ship, either on the high seas or anywhere else out of British jurisdiction; neither is any such attempt to be made in respect to vessels supposed to be not strictly entitled to any national flag.

Secondly. As regards voyages in British ships from China to the Philippine Islands, I agree in the opinions expressed in the reports of the Emigration Commissioners, dated the 26th of November and 18th of December; and I have to authorize you to take such steps as appear to you most expedient for carrying them into effect, seeing that the law officers have reported that you possess the requisite legal power. You will, therefore, proclaim the length of passages from Chinese ports as well as from Hongkong under the third section of the Imperial Act, having reference in such proclamation to the difference in the length of voyages during the north-east and south-west monsoon; and you

will not pass any local Ordinance which would relieve any vessels now subject to the Imperial Act from its operation. There occurs here a subordinate question, whether the Consul at Amoy may be appointed an emigration agent, on which point you will receive instructions from the Foreign Department. In the event of such an appointment being made, you will, of course, communicate with the Consul at Amoy on all matters connected with the enforcement of the Chinese Passengers' Act at that port.

Thirdly. If the trans-shipment alluded to by Mr. Robertson be made from one British vessel to another, this latter becomes immediately a Chinese passenger ship under the terms of the Act. In sailing from a remote port, she may, indeed, violate the Act, but she cannot be said to evade it, since its enactments fully extend to her; and if detected in a deviation from them, she remains liable to the penalties of the law. Should a British vessel, carrying Chinese passengers, be met on the high seas without being furnished with regular papers, the Lords Commissioners of the Admiralty have hitherto been unwilling to impose on the commanders of Her Majesty's cruisers the responsibility of actually seizing such a vessel, unless the passengers should appear to be suffering from ill-usage or neglect.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Sir John Bowring, &c. &c. &c.

Enclosure 1 in No. 28.

Encl. 1 in No. 28.

SIR,

Emigration Office, November 26, 1856.

WE have to acknowledge your letter of 13th instant, enclosing a letter addressed to the Earl of Clarendon by the Consul at Manila, accompanied by letters from Sir J. Bowring and the Attorney-General of Hongkong, on the subject of the British ship "Fortuna" which had carried Chinese emigrants from Amoy to Manila without complying with the requirements of the Chinese Passengers Act.

2. In our report of the 15th September* last we expressed our opinion that the "Fortuna" had violated the provisions of the Passengers Act in not procuring the "emigration papers" required for vessels proceeding on a voyage of more than seven days' duration, and that she had accordingly rendered herself liable to forfeiture. The same opinion is expressed very decidedly by the Attorney-General of Hongkong, and Sir J. Bowring. The Consul we perceive states that the voyage from Hongkong to Manila is sometimes made in five, and even in three days in the favourable monsoon, and that an average voyage from Amoy at the same season would be seven, but against the monsoon fifteen days. As regards a voyage from Hongkong to Manila, Sir J. Bowring's proclamation of 26th January last fixes it at twenty days, and as the voyage from Amoy is longer, it is scarcely credible that any Court would assume it to be less than seven days on the ground that it was not included in the proclamation. But to prevent any doubt or difficulty on the matter hereafter, it would be desirable that Sir J. Bowring should issue a proclamation under the third section of the Chinese Passengers Act, defining the length of voyages from ports on the continent of China as well as from Hongkong. And we would suggest the question whether in certain cases the proclaimed duration of the voyage should not be made to vary according to the season, since the compelling a shipping agent to put on board during the favourable monsoon a quantity of provisions which could only be required during the unfavourable monsoon would be unnecessary in itself, and would tend to diminish the inducement to send off emigrants during the fittest season.

* Page 49.

We have, &c.
(Signed) T. W. C. MURDOCH.
FREDERIC ROGERS.

Herman Merivale, Esq., &c. &c.

Enclosure 2 in No. 28.

Encl. 2 in No. 28.

EXTRACT of a REPORT from the EMIGRATION COMMISSIONERS to H. MERIVALE, Esq.,
dated Emigration Office, December 18, 1856.

"THE questions raised by Sir J. Bowring relate, first, to the mode of dealing with non-British ships which fit in Hongkong, but take their passengers on board beyond the limits of the colony, and thus escape the operation of the Passengers Act; and, second, to the course to be adopted in regard to emigration to the Philippine Islands and the Indian Archipelago.

"On the first of these points we are happy to perceive that the view which we submitted in our report of 28th of June last is sanctioned by the law officers of the Crown. Upon this point, therefore, there can be no difficulty in deciding on the instructions to be issued to Sir J. Bowring.

"The second question is more complicated. It is urged by Messrs. Lime, the owners of the 'Fortuna,' which has been engaged in this trade and by Messrs. Tait and Co., who had chartered the 'Ferozepore' for Manila, supported to a great extent by Mr. Morrison the Consul at Amoy, that the provisions of the Chinese Passengers Act are in reality inapplicable to voyages to the Philippine Islands and the Straits settlements, that the passage to Manila or Singapore is short, that the passengers are not ignorant Coolies but mechanics, who have either made the passage before, or are acquainted with the circumstances of it from others, that they contract for their own passages and supply their own provisions, the ship finding only water, and in case of emergency rice; that it is the interest of the master to treat the passengers well, and that the trade has been in existence for many years without giving rise to complaint. They further point out that to compel British vessels engaged in this business to proceed from Amoy or other ports to Hongkong for emigration papers (as under the present arrangements they must do) would be virtually to exclude them from the business and to throw it into the hands of foreigners; as regards Manila into the hands of Spaniards, and as regards the Straits settlements into the hands of the Dutch. It is therefore suggested that voyages from Amoy to Manila and Singapore should be exempted from the operation of the Act by a local Ordinance, to be passed under the authority of the second section of it.

"There is no doubt much weight in the above representations, but they do not satisfy us that it is necessary or expedient to exempt the passenger traffic in British vessels to the Philippines and the Straits, from control and supervision. The passage from Amoy to Manila or Singapore, is in the favourable monsoon about seven days, but against the monsoon 15 days, and "the utmost limit in unfavourable weather is within six weeks;" the emigrants are a poor and singularly penurious class, and under the present system are left to supply their own provisions, and it is admitted that the Spanish ships are often 'excessively overcrowded.' Here then, as it appears to us, are strong grounds for requiring the supervision of Government. Where a voyage is liable to such extreme variations as between seven days and six weeks, there will always be a probability, if the owner is left uncontrolled, that the ship will be sent to sea provided only for the shorter, or at the utmost for an average, voyage; and this probability is increased where the emigrants find their own provisions. We know from what occurred in the emigration from this country, when a similar system was in force here, that many emigrants embarked with a stock of provisions insufficient for even an average voyage, and of course quite inadequate for a protracted one. It was because of the frequent occurrence of such cases, and the suffering and sickness produced by them, that in the English Passengers Act a compulsory dietary was provided, sufficient for the maintenance of the people, irrespective of whatever they might provide for themselves. Looking to the penurious habits of the Chinese, it does not appear to us safe to exempt the vessels in which they are conveyed from that provision of the Chinese Passengers Act which requires the ship to provide a sufficient dietary for the passengers.

"Again in regard to space, it appears to us essential that notwithstanding the comparative shortness of the voyage, British ships engaged in the trade should be subjected to control. The allegation that no complaint has heretofore been made, is scarcely sufficient proof that no ground of complaint has existed, and if it is the fact that Spanish vessels have been excessively overcrowded, we see no reason why the same thing might not occur in British ships. Considering that the voyage is within the Tropics, and during the unfavourable monsoon consists in beating to windward, it is plain that great risk of sickness might be the result of overcrowding, even in a short voyage. And it cannot be forgotten that some of the most scandalous cases of abuse in Chinese emigration, involving an excessive crowding of the passengers, and consequent mortality, have taken place on board British ships. For these reasons we do not think it would be right to authorize Sir J. Bowring to comply with the suggestion that the emigration to Manila or the Straits should be removed from the control of the Passengers Act.

"But the objection urged against requiring all vessels from whatever port to proceed to Hongkong for emigration papers, appears reasonable. In the south-west monsoon it is probable that a vessel would not reach Hongkong from Amoy in much less than a week, and if destined for Manila, she would scarcely be nearer her destination at Hongkong than at Amoy. The delay to vessels proceeding from a more northerly port would of course be greater. The result must be as is alleged, to drive British vessels entirely out of the trade from those ports, unless, as is probable, it should induce them to carry it on in defiance of the law, taking their chance of being stopped on their voyage by any of Her Majesty's cruisers. Nor is it in respect to the short voyages only that this result will follow. It will eventually be equally the case in the long voyages across the Pacific, or round Cape Horn. But such a result is not to be desired. It would throw the trade into the hands of foreigners, who would be, under no control, or of British subjects who would be in conflict with the law, and either class would be likely in conducting it to consider little beyond the profits of the particular voyage. The improvement in the general trade which might be expected to follow from the example of a well conducted system would be lost, and Chinese emigration would continue as at present, to be marked by occasional disasters of an appalling description.

"It appears to us then of much importance that an emigration officer should be established at Amoy, as well as at Hongkong, to carry out the Chinese Passengers Act. Sir J.

Bowring asks what is to be done at ports where there is no consular authority, such as Swatow, Namoa, &c. We presume that at such ports British trade, whether in passengers or in anything else, is illegal and contrary to treaty, and Her Majesty's Government cannot make any arrangement which would relieve British vessels frequenting those ports from the risks which they thereby run, or would imply any sanction of their doing so. But if any such vessels carrying passengers proceed either to Hongkong or Amoy, and there take out emigration papers, they would be relieved from the liability to seizure by Her Majesty's cruisers for violating the Chinese Passengers Act. We gather from the papers before us, that at present there is no emigration from ports to the north of Amoy, so that the appointment of an additional emigration agent at that port would meet the case as far as Her Majesty's Government can meet it. It will be for the Foreign Office to decide whether the duties of emigration officer can be properly devolved on the Consul. On that point we do not venture to offer an opinion."

Enclosure 3, in No. 28.

Encl. 3, in No. 28.

EXTRACT of a REPORT from the EMIGRATION COMMISSIONERS to H. MERIVALE, Esq., dated Emigration Office, October 31, 1856.

"THE Consul at Shanghai, Mr. Robertson, states that the Chinese Passengers Act is evaded by British ships clearing for Swatow, 'a Chinese port capable of being reached within the period of seven days at this season,' and there transshipping the passengers into other vessels to be carried to America, the Havana, or elsewhere. By this means, he says, the 4th section of the Chinese Passengers Act is evaded, and the local Ordinance, No. 9, of 1856, will be equally insufficient when it comes into operation.

"Now it will be seen, on reference to the Chinese Passengers Act (18 & 19 Vict. c. 104) that by Section 2 a Chinese passenger ship is defined to be 'every ship carrying from any port in Hongkong, and every British ship carrying from any port in China, or within 100 miles of the coast thereof, more than 20 passengers, being natives of Asia,' and by Section 4 every Chinese passenger ship proceeding on a voyage of more than seven days is required to be provided with emigration papers. The Colonial Ordinance (No. 9 of 1856)* passed in May last further provides (Section 3) that any Chinese passenger ship clearing out from a port in Hongkong or China, or within 100 miles of the coast, on a voyage to any port, for the purpose of commencing from such latter port a voyage of more than seven days' duration, shall be deemed, within the meaning of the Chinese Passengers Act, to have cleared out from the port it originally left. This Ordinance was referred to us on the 9th of August last, and on the 19th of that month we pointed out some particulars in which it appeared to require amendment. But as no objection was taken to its principle it will no doubt be re-enacted very shortly by the Colonial Legislature.

"Looking to these enactments we are unable to understand in what way a British vessel proceeding with passengers in the first instance to Swatow, a Chinese port, on taking passengers on board there, and thence taking her final departure on a voyage exceeding seven days, can be supposed to remove herself from the operation of the Chinese Passengers Act. It is no doubt the fact that, by sailing from a remote port where there are no British authorities, a vessel may bid defiance to the law, and if not intercepted by any of Her Majesty's cruisers, may escape with impunity. But no alteration or increased stringency in the law will prevent such an offence as this. The only hope of preventing it is by the vigilance of Her Majesty's cruisers, and by the infliction of a heavy penalty wherever it is discovered. Upon this point we would venture to call attention to the fourth paragraph of our Report of the 3rd of April last. The case which we there put hypothetically appears to be exactly the case which has occurred, and has given rise to Mr. Robertson's letter."

No. 29.

No. 29.

(No. 28.)

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to Governor Sir JOHN BOWRING.

SIR,

Downing Street, March 14, 1857.

WITH reference to my despatch,* No. 130, of the 14th of November last, sending to you such accounts as had at that time been received at this office of the deplorable mortality on board of two Chinese emigrant ships, named the "Duke of Portland" and the "John Calvin," I transmit herewith two letters from the Board of Trade. The first of these letters encloses an account of an

* Page 42.

February 3, 1857.

February 5, 1857.

* See Papers presented to Parliament by Her Majesty's command, February 1857.

March 14, 1857.

inquiry into this case by the Local Marine Board of London. The second encloses some other documents, including a statement by the chief mate of the "Duke of Portland," with explanatory notes by the captain in the margin, and also a copy of the certificate granted to the "Duke of Portland" by the emigration officer at Hongkong. I am likewise desired to enclose a copy of the answer returned from this department to the Board of Trade.

Accounts have been received from Her Majesty's Consul at Havannah, in which he agrees with the Local Board in London, in exonerating from blame the master and the parties interested in the ship. He states that there is no reason to doubt that the emigrants were treated with every care and humanity. He says, that a fatal disease manifested itself among the Coolies, and that they were probably predisposed to infection from not being in good condition when they were put on board. Both the "Duke of Portland" and the "John Calvin" are stated to have had a plentiful supply of water taken in at Hongkong, but, the Consul remarks, that it is supposed that it was not of a quality suitable to so long a voyage, and that it was often complained of by the passengers.

* Page 54.

From the enclosures to your despatch* to the Earl of Clarendon, No. 5, dated the 1st of January, it appears that the passengers embarked in the "John Calvin" were duly inspected, and the correctness of their agreements ascertained. In compliance with the concluding suggestion in the letter† from the Board of Trade, dated the 5th of February, I have to request that you will inquire what record or evidence may exist that a similar course was pursued in regard to the "Duke of Portland."

† Page 51.

With respect to both vessels, I wish an explanation upon the numbers which they were computed to be legally qualified to carry. The body of rules appended to the Chinese Passengers Act required for each passenger a space of five superficial feet on the upper and 12 superficial feet on the lower deck. I am not aware that the Hongkong Legislature has exercised its power to substitute another set of rules; but the figures embodied in the Emigration Officers' certificates would only allow about three superficial feet above and eight below, in proportion to the number of passengers declared admissible in the "John Calvin" and "Duke of Portland." I shall be glad to receive a report on this subject. The space prescribed in the rules annexed is, in my opinion, decidedly not larger than sufficient, and it ought not to be diminished. I may also remark, that no requirement of the Passengers Act is more important than the one limiting the numbers to be carried, and that it is additionally useful from its simplicity, and from the consequent ease with which this security for the good of the passengers can be enforced.

Governor Sir John Bowring,
&c. &c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

Encl. in No. 29.

Enclosure in No. 29.

Office of Committee of Privy Council for Trade,
Whitehall, February 3, 1857.

SIR,

I AM directed by the Lords of the Committee of Privy Council for Trade to request that you will call the attention of Mr. Secretary Labouchere to the case of the mortality among Chinese emigrants on board the ship "Duke of Portland," on her voyage from Hongkong to the Havana, in the year 1856.

My Lords' attention was called to this case by proceedings in one of the police courts, reported in the "Times" of the 5th December. They immediately requested the Local Marine Board of London to inquire into the case. That Board has made its report, and a copy of the report, and of the evidence taken, is enclosed for Mr. Labouchere's information. The evidence given before the Board is confirmed by the entries in the official log, which has been examined at this office.

The report and evidence contain a full statement of all that happened during the voyage. They show that of 332 emigrants shipped, no less than 128 died on the passage, most, as it appears, from fever, and some by suicide. They give an account of the first appearance of discontent and mutinous conduct on the part of the emigrants in the port of Hongkong, and they show the steps taken by the captain in the course of the voyage. My Lords have, however, been anxious to obtain further information upon one or two points, to which the attention of the Local Marine Board does not seem to have been specially directed.

These points are :—

1. By what persons and on whose behalf the ship was chartered for the voyage in question.

2. How it happened that the ship left Hongkong on such a voyage so late in the season.

3. The conduct of the emigration officer at Hongkong, whose duty it was to enforce the provisions of the Chinese Passengers Act.

On these points Captain Seymour, who has shown willingness throughout to give a full account of the matter, will no doubt be able to give information. He is at present away from London, but if he returns, or if my Lords can obtain the information from other quarters, they will forward it for Mr. Labouchere's information.

In the meantime they request that you will call his especial attention to the following points:—

1. This is a case in which the ship took in her emigrants at and sailed from Hongkong, and that there ought therefore to have been no difficulty whatever in applying strictly the provisions of the Chinese Passengers Act, 1855.

2. That if those provisions and the regulations adopted under them concerning room, ventilation, &c., were complied with, there is good reason for thinking that the regulations are wholly insufficient to effect the desired object, at any rate for such a voyage in such latitudes, and commenced at such a time of year as that of the "Duke of Portland."

3. Mr. Labouchere will observe, that the first appearance of discontent or mutinous conduct on the part of the emigrants appears to have arisen from the belief on the part of those last shipped that they had been cheated by those who had engaged them. It is therefore very important to learn whether the emigration officer did, according to the terms of the certificate given in Schedule (B.) of the Chinese Passengers Act, inspect the contracts between the emigrants and their intended employers, and satisfy himself that they were reasonable, and that no fraud was practised in collecting the emigrants.

Under the above circumstances, my lords would suggest for Mr. Labouchere's consideration, that instructions should be given to the Governor of Hongkong to make the strictest inquiries concerning the circumstances under which the "Duke of Portland" left Hongkong, and concerning the conduct of the emigration officer with respect to that vessel.

It will, as it appears to my Lords, be also necessary to have it considered whether the regulations already adopted by the authorities at Hongkong under the Chinese Passengers Act are sufficient for the purpose, or whether further and more stringent regulations are necessary.

I am to add that my Lords have communicated the facts of this case to the Foreign Office.

H. Merivale, Esq.

I have, &c.

(Signed) JAMES BOOTH.

Sub-Enclosure to Enclosure 1 in No. 29.

Sub-Encl. to
Encl. 1 in No. 29.

Local Marine Board, 71, Cornhill,
January 20, 1857.

SIR,

IN compliance with your letter of 7th instant, this Board has caused inquiry to be made into the extraordinary mortality on board the ship "Duke of Portland," on a voyage from China to the Havannah with emigrants.

Every facility has been afforded by the owner and captain of the ship.

This Board are unanimously of opinion that no blame attaches to them, or any one connected with the ship; that Captain Seymour's conduct to the emigrants appears to have been kind and attentive, and that every possible precaution was used by him to decrease the mortality. Dr. Ludgatt appears also to have exerted himself for the same purpose.

The details of this unfortunate voyage will be found in full in the copy of Captain Seymour's letter to the owner, Mr. Hamlin, and the copy of the proceedings at the investigation, both sent herewith.

It appears to this Board that the mortality was greatly aggravated by the great heat and unusual length of the passage (150 days) caused by the sailing of the ship in an improper season; she sailed full one month later than she ought to have done, to enable her to get down the China Seas.

T. H. Farrer, Esq.,
Marine Department, Whitehall.

I am, &c.

(Signed) D. DUNBAR,
Chairman.

Local Marine Board, 71, Cornhill,
January 8, 1857.

INVESTIGATION into Circumstances attending the Mortality of Chinese Emigrants whilst on board the Ship "Duke of Portland," on her Passage from Hongkong to the Havana.

Present:

Messrs. DUNBAR, PHILLIPS, GREEN, ANDERSON, INGHAM, and Captain DENNY.

DUNCAN DUNBAR, Esq., in the Chair.

Captain G. N. Seymour, master, and Mr. Thomas Hamlin, owner of the "Duke of Portland," attended before the board.

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The letter of the 7th instant from the Board of Trade, calling the attention of this Board to a statement in the "Shipping Gazette" of the 6th instant concerning the mortality, was then read.

Captain Seymour stated :—" We left Hongkong with 332 Chinese coolies ; we had been measured for 334. We had a surgeon who had been all the voyage from London to New Zealand, and thence to China. He had a diploma. He had been approved by Captain Lane, Government Agent. We took out the Bishop of New Zealand and other passengers. We were to be paid a lump sum per head for all the Chinese coolies landed alive at the Havana. We received nothing for those who died. The coolies appeared in good health when shipped ; that was the general opinion on our leaving China. There were ample medicines put on board by the owner. We had water from China in excess."

Captain Seymour then read a letter which he had addressed to the owner ; it was dated "Havana, 10th September 1856," in which he states, that the emigrants were all on board on the 31st March 1856. "On 2d April, when hove short and ready for sailing, the Chinese crowded aft, took belaying pins from the rails and armed themselves with fire-wood, yelling and shouting in a fearful manner, throwing every thing moveable overboard. He then had an interview with the stipendiary magistrate, at the Supreme Court, who came on board with a police force ; the coolies laughed at them, and at length they were driven below at the point of the bayonet. Then planted my two guns inside the cuddy door, loaded them with grape and canister, had the carronades loaded and placed at the poop fire rail ; gave the men a cutlass each ; Mr. May (magistrate) was then on board. He left a serjeant and five policemen on board, for sentries during the night. At daylight I was out of the roads. When at sea they refused to cook. The third day I had the first suicide, and on an average I had three suicides daily between Hongkong and until I passed the Straits of Sunda.

"On the morning of the 15th I discovered a plan among the Chinese to take the ship : the same afternoon they carried their plan out, but as I was quite prepared for them, a few well-directed blows from the flat of a cutlass prevented the rush, and J. Williams jumped overboard and saved the man who had been thrown from the forecabin ; after the failure of the attempt they became quieter, but I had usually 12 to 18 in irons, for riotous behaviour or attempted suicide.

"On evening of 28th an attempt was made to rescue one of their ringleaders who I had put in irons ; one of them threw a large bone at me when trying to pacify them : I then thought it time to clear the decks, and in the struggle one was wounded in the side. I called at the Cocoa Islands in hopes of getting vegetables, fresh meat, and fish for the invalids, but was much disappointed with the result of my visit."

(Above from the letter.)

Captain Seymour then stated—" We lost 128 Chinese before arriving at the Havana chiefly from congestive fever ; it is like the Hongkong fever. We lost one of the crew. I think the coolies brought the seeds of the disease on board with them. When they would not eat I have tried to force food down their throats. We were 150 days on our passage from China to the Havana. We remained three days at St. Helena. We had vegetables from St. Helena to within a few days of our arrival at the Havana. All the opium for the Chinese was consumed before we arrived at St. Helena. The Chinese mutinied before we sailed from Hongkong, on account of their wanting more money. I believe one-third of them were kidnapped. They had spent the money they had before leaving China. The surgeon was kind to them ; I was with them much more than the surgeon was, he saw them always twice a day. The Chinese were shipped under the direction of the chief magistrate ; I have a document from him, stating that all required for them was shipped. The entries regarding the assistance rendered by the magistrate at Hongkong, were made a day or two after in the official log. The opium required by law was put on board in China, and I got more at St. Helena. I gave the doctor full authority at St. Helena to get all the opium and medicines he required."

(Entries in the official log regarding the disturbance previous to sailing, the medical treatment, and the plan for giving more air to the emigrants, were then read.)

Captain Seymour then stated,— "The ship is 533 tons. The emigrants had the whole of the lower deck, excepting the cuddy. We could see the difference between those who died from congestive fever and those who suffered from the want of opium. In April the thermometer in my cabin ranged from 82° to 90°. The season of the year was bad for them. The ship had scuttles. She has carried emigrants before. I was 100 days to St. Helena. The loss of the monsoon in the China Sea was caused by our detention in China. They could not get the people ready for shipping. We sailed from Hongkong on the 2nd April. Only one man was injured in the disturbance ; he was wounded. The 'John Calvin' sailed about three weeks before me, and arrived after me. The scurvy was frightful on board that ship ; we had none. I was told by the consul at the Havana that I was the first ship arrived there without scurvy on board. I was without a chief mate for two months coming home ; he was below, sick, and off the Cape too, in bad weather."

The interpreter, a Chinese, who came from China in the ship, was examined ; he stated, "The first time come on board ship, Chinamen complain ; had not money, wanted captain to pay them."

Captain Seymour here stated, "They agree to serve for so long a period. They got food, clothing, and everything. They complained they had one dollar given to them instead of eight."

The interpreter then stated:—"Some sick jump overboard. I keep men always to look after sick. Don't know why that man jump overboard. They had food prepared regularly. They wanted to get possession of the ship; said they would never get back to China; they wanted to set her on fire. Some men say, not tell me. They threatened to kill me and the captain. I believe the men only got one dollar. One 'Portugal' take money from them going down. The madarin told them they would be paid more when they got on board. One day only at sea, in a gale of wind, they only had biscuits; could not cook. The doctor saw them two or three times a day."

Captain Seymour also stated:—"I never laid down in my bed without a cutlass at my belt. I believe the men all received their eight dollars, because there had been a previous row about it, in the 'John Calvin.' We had twenty-five Chinese, from Hongkong; all the others were from Macao."

The inquiry was then adjourned until the 15th instant for the purpose of obtaining the evidence of the surgeon.

Local Marine Board, 71, Cornhill,
January 15, 1857.

Present:

Messrs. DUNBAR, GREEN, INGHAM, and ANDERSON, and Captains DENNY, and HUNTER.

DUNCAN DUNBAR, Esq., in the Chair.

The Board resumed the investigation into the circumstances attending the mortality of Chinese emigrants whilst on board the ship "Duke of Portland," adjourned from the 8th instant.

Captain G. N. Seymour, the master, and Mr. Thomas Hamlin, the owner, attended before the Board.

Mr. David Ludgat, surgeon of the "Duke of Portland," was then called in; he stated:—

"A low typhoid fever generally prevailing among the low class of Chinese was brought on board by them when shipped at Hongkong. Sufficient food was provided for the coolies. The sickness was attributed to improper food used by themselves, such as onions and pickles. A number of suicides took place, but many more would have taken place had not the boat been kept in readiness to pick those up who jumped overboard. The Chinese were kindly treated all the time, both as to diet and other necessities of life, and were supplied with the usual quantity of opium. I have not seen any of the cases on shore, but had the symptoms of the peculiar fever which the Chinese are subject to described to me by the medical officer of the hospital. The symptoms on board were the same as those described to me by the medical officer. I prescribed the same medicines and treatment as adopted in the hospital. The fever appeared among the coolies after they had been three days on board. Within a week after sailing as many as sixty cases had appeared. All the symptoms on board were the same as those described by Dr. Barton, the hospital surgeon. The berthing was in every way well fitted. The habits of the Chinese were very filthy. Every means was used to correct their habits, by taking every precaution to keep them as clean as possible. The length of the voyage aggravated the symptoms and increased the number. The number of deaths were nearly the same all the voyage, but increased in malignity. The deaths after our arrival at Havana were much the same. No expedient to ensure carrying coolies such a long voyage can be put in force but to lessen the numbers. This disease would be infectious among persons of low habits, but with those more robust not so. The coolies had food so regular on board that they had no occasion to complain. The boatswain was the only one of the crew that died. The mate and steward were seized with the disease, but they recovered: they were occupied more among the Chinese than others of the crew; I am disposed to think that the disease is infectious. When the disinfecting matter was all used, the tween-decks were fumigated with boiling pitch daily, when possible to do it. The coolies died from debility and affection of the liver and lungs, and exhaustion arising from the seeds of the disease. The chief mate was treated for the same disease previous to sailing from Hongkong. As many of the coolies as could be allowed with safety were ordered on deck daily. Captain Seymour's conduct was attentive at all times to the Chinese in satisfying their wants and attending to their cleanliness. Those of the Chinese who attempted to commit suicide, and were picked up, generally made a second attempt; they were then more carefully looked after."

Enclosure 2 in No. 29.

Office of Committee of Privy Council for Trade,
Whitehall, February 5, 1857.

SIR,

REFERRING to Mr. Booth's letter* of the 3d instant, on the subject of the mortality on board the ship "Duke of Portland," I am directed by the Lords of the Committee

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Encl. 2 in No. 29.

* Page 48.

of Privy Council for Trade to enclose, for Mr. Labouchere's information, the following documents:—

No. 1.	Copy of questions addressed to the master of the "Duke of Portland," and of his replies.
No. 2.	Copy of a statement made by John Hagan, late chief officer of the "Duke of Portland."
No. 3.	Copy of the Emigration officer's certificate.
Nos. 4 & 5. Being very voluminous, are not printed.	Copy of the list of the male emigrants who embarked in the "Duke of Portland."
	Copy of a document in Spanish annexed to the certificate, with its indorsements. On the back of this document are Chinese characters, apparently a translation.

The statement made by Hagan, who my Lords have reason to believe to be a respectable and trustworthy man, was made in the presence of certain officers of this department, and subsequently taken down in writing.

Mr. Labouchere will observe that, if this statement be true, a large number of the emigrants were sick at the time the emigration officer granted his certificate; that he did not see them individually; and that he does not appear to have had that personal communication with each of the emigrants which would seem to be necessary in order to ascertain that the agreements with them were properly made and understood.

My Lords wish it to be understood, that they are not considering a charge as proved which the emigration officer has no means of rebutting, but they think it right to call Mr. Labouchere's attention to the statements made, in order that full inquiry may be made at Hongkong.

I have, &c.
(Signed) T. H. FARRER.

No. 1.

QUERIES asked of the Captain of the "Duke of Portland."

January 30, 1857.

1. How and by whose orders did the ship happen to be engaged in the carrying of Chinese emigrants?
2. Who were the charterers of the ship on the voyage from China to the Havanna; and on whose account were the emigrants shipped?
3. If done through an agent in China, what was the name and address of the agent?
4. How did it happen that with such a voyage in view the ship sailed from Hongkong with such a cargo so late in the season?
5. Was the ship duly surveyed by an emigration officer at Hongkong; if so, what was his name, and when was the survey commenced, and when completed?
6. Can the captain furnish a copy of any certificate or document given by the emigration officer?

The Registrar of Seamen.

(Signed) T. H. FARRER.

REPLIES of Master of "Duke of Portland" to the foregoing Queries.

1. From various contingencies, arising in the earlier part of the voyage, the ship was thrown out of the tea and silk carrying trade, in which it was first purposed to employ her, and it was optional with me to employ her as I considered prudent.
2. The charterer was a Don A. R. Ferran, of Havana, but at that time residing at Macao, and the emigrants were shipped on his account.
3. Messrs. Lyall Still, Hongkong, were agents for A. R. Ferran, and through them the charter was negotiated.
4. The ship preceding the "Duke of Portland" experienced great difficulty in obtaining her emigration papers, and the charterers could not pay that attention in collecting the emigrants necessary in order to despatch the ship at an earlier date.
5. The ship was surveyed and measured by Captain Watkins, the harbour-master at Hongkong, in February 1856, afterwards by the emigration officer, whose name will be found attached to the papers left at the registry office for copying on Saturday.
6. Yes, and left at the registry office on Saturday.

(Signed) GEO. F. SEYMOUR.

No. 2.

Marginal Notes by
Captain Seymour.

John Hagan (certificate of competency, 11,628) joined the "Duke of Portland" in London, as second mate, in March 1855, bound to New Zealand with emigrants, thence to Shanghai and Hongkong, where the ship was chartered to convey Chinese emigrants to Havana.

Measured by harbour-master, who inspected the ship twice.

Before receiving the emigrants at Hongkong, the ship was surveyed and measured by the emigration officer; a deck-house was built, and other preparations made for their reception. In February 1856, 25 came on board from the shore; they had a small chest each, and a change of clothing. About a week after, 225 came alongside in a steam-vessel from Macao; they had bags with them, but no chests; afterwards four or five escaped to the shore. The steamer returned with another batch of 86,* about a week after.

* These 86 were in an exhausted state from sea sickness, having

These men were on board three or four days before we sailed, and about the second day,* the emigration officer came on board, and all the emigrants that were able assembled on the deck. The emigration officer addressed them in the Chinese language, not individually, but generally.

The captain ordered me to go below and report how many were too ill to come upon deck. I found 38 were in their berths, and did not make their appearance on deck. Before this one of them had died, and his body had been sent on shore. This was the only time the emigration officer spoke to the men.

When we were about getting under weigh, the emigrants began to mutiny; the captain was on shore at the time, but finding they were likely to be troublesome, we lowered the fore topsail. When the master came on board, and found how matters stood, he returned again to the shore, and went to the agents, Messrs. Lyell and Co.,† the charterers. Some person from their office came on board, with eight or ten policemen armed, and the emigrants were all sent to their berths. Three policemen remained on board all night. I understood from the interpreter that the cause of the disturbance arose from the promised amount of advance in money not having been paid. On 3rd of March we sailed, and fortified the after part of the ship, to keep the emigrants under. Before we had been many days at sea, the deaths became very frequent, and the sickness increased very much. The sickness arose from the loss of their opium, and some were so disposed when they came on board.‡ Some of the emigrants had a little opium with them; the doctor used all he had. Several times during our passage down the China Seas the emigrants were very troublesome; some slipped overboard during the night,§ and were not missed till the next morning; those that went overboard during the day were all saved, excepting one man. By the time we arrived at St. Helena, more than 100 had perished. We remained there three days, took in fresh provisions, water, vegetables, and the medicine chest was, I believe, replenished; it was not short of anything before, as far as I know. Upwards of 30 died between St. Helena || and Havana; but the remainder appeared in a better state of health, and very few committed suicide.¶ When we arrived at Havannah we laid eight days in quarantine; there were two deaths during this period, and the bodies were buried on shore. We put the emigrants on board the receiving ship, and I do not know what became of them afterwards. The charterer, I understood, was a Spaniard at Havannah, his agents being Messrs. Lyall, Still, and Co., of Hongkong.

We remained at Havannah about 14 days, and then went to St. Cruz for mahogany and cedar for London. At Havannah the chief mate left, and I was appointed his stead.

There was plenty of water, rice, and meat; the emigrants were not on short allowance during the voyage; provisions were served out to ten cooks twice per day, and they divided it among the men. The doctor went round twice every day to visit the sick men, and of a night when called upon. There was a great stench in the ship,** owing to the manner in which the Chinese used the water closet, one of which was within five feet of the ship's galley; they were not built in a proper manner †† for the way in which they use them. The urine was not carried off, but run along the deck. The men slept on mats, but were very lousy; no soap was allowed by the ship,‡‡ and consequently they were very filthy, and were covered with vermin. Dead bodies were sewed up in rice bags and thrown overboard.

One of the crew died the day after we left St. Helena,§§ and some of the crew were sick in the China Seas. |||

February 4, 1857.

(Signed) JOHN HAGAN,
Late Chief Officer.

Signed in presence of Everard Home Coleman.

(Signed) J. H. BROWN,
Registrar General of Seamen.

No. 3.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorize the Chinese passenger ship "Duke of Portland," to proceed to sea for the port of Havana, in Cuba; and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and twelve years; that the space set apart and to be kept clear for the use of such emigrants is as follows: On the upper deck, 1,140- $\frac{3}{4}$ superficial feet, being fore poop cabins, cabin before poop, and deck-house; and in the between decks 2,870- $\frac{5}{8}$ superficial feet, being the whole deck; that the ship is properly manned and fitted; and that the means of ventilating the part of the between decks appropriated to passengers are as follows: scuttles, air funnels and windsails; that the ship is furnished with a proper quantity of good provisions, fuel, and water, more than sufficient for the passage to St. Helena, for 168 days' issues to the passengers, according to the annexed dietary scale; and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessities; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to

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experienced heavy weather on the passage from Macao.

* I believe the day after, and I believe he was on board twice, if not more.

These were suffering from the effects of sea sickness principally.

† No person came from Lyell Still's office on this occasion. They refused to assist or interfere in any way. I do not recollect the number, but more than that stated.

April 3.

For the deaths, &c. the O. F. L. is an authority. I do not recollect.

‡ Incorrect, for I had option of refusing any that myself or surgeon considered unhealthy or unfit for the voyage, and I know of but one man that I could have objected to. Many had skin diseases.

§ Several were picked up during the night.

|| Fewer deaths and a larger number of suicides, and those of the most determined character.

¶ I cannot state numbers, having no papers here to refer to.

At first under my own, afterwards under the superintendence of the interpreter and boatswain.

** This I consider incorrect.

†† Query: Could Mr. Hagan suggest an improvement? I could not.

‡‡ Soap and fresh water was issued to the sick, and soap was obtained at St. Helena for their use.

§§ Taken ill the day after sailing; died about ten days after sailing.

||| The greater number suffering from venereal or its effects.

this certificate), and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon and interpreter, approved by me, and designated respectively David Sudgate and Sungto.

The master of the ship is to put into St. Helena for water and fresh vegetables.

Passage from Hongkong to St. Helena estimated at 90 days; from St. Helena to Havana at 79 days.

(Signed) C. B. HILLIER,
Emigration Officer.

Dated at Hongkong, this 1st day of April 1856.

Annexed to this certificate are:—

1. Passenger List, as supplied by Master.
2. Copy of the Contract for Labour.
3. Schedule A. of Chinese Passenger Act.

Encl. 3. in No. 29.

Enclosure 3 in No. 29.

January 1, 1857.
No. 5.

SIR,

Downing Street, March 14, 1857.

WITH reference to your letter of the 3rd, and to Mr. Farrer's letter of the 5th of February, I am directed by Mr. Secretary Labouchere to transmit to you the inclosed copy of a despatch, just received through the Foreign Office from Sir John Bowring, by which it would appear that the "John Calvin" and the "Duke of Portland" were both of them regularly cleared by Mr. Hillier, the emigration officer. Mr. Hillier himself is unhappily since deceased. Sir John Bowring will be called upon to inquire, as you have suggested, whether the passengers by the "Duke of Portland" were duly seen, and the correctness of their agreements ascertained; but it is to be observed that the evidence which the documents now received afford of the promptitude and vigour of action in this respect in the case of the "John Calvin," gives reason to hope that there was no undue neglect of the same matter in the case of the other ship, the "Duke of Portland," which sailed about the same time and under the same superintendence.

I am to acquaint you, however, that Mr. Labouchere notices another point which also requires to be cleared up. The rules appended to the Chinese Passengers Act require that for every passenger on board there should be at least five superficial feet on the upper deck and 12 such feet below. The Legislature of Hongkong had power, under the Act itself, to substitute other rules, but Mr. Labouchere is not aware that the power has been exercised. Nevertheless, in the case of both these vessels, the number of superficial feet allowed to each passenger is only about three on the upper deck, and eight on the lower. As the reduced space so nearly agrees in the case of each vessel, it may be that the emigration officer proceeded on some local rule which has escaped notice. But an explanation will be demanded on the point; and it is decidedly Mr. Labouchere's opinion that the space named in the rules appended to the Act of Parliament is not larger than sufficient.

J. Booth, Esq.

I am, &c.
(Signed) H. MERIVALE.

Sub.-Encl. to
Encl. 3 in No. 29.

Sub-Enclosure to Enclosure 3 in No. 29.

No. 5.
MY LORD,

Superintendency of Trade, Hongkong,
January 1, 1857.

IN reply to your Lordship's despatch, No. 209, dated 18th October last, directing me to make inquiry into the cases of "John Calvin" and "Duke of Portland," British ships which conveyed Chinese emigrants from this colony to the Havana, a great mortality having taken place during the voyage, I have now to forward to your Lordship the information I have obtained from the Emigration Officer's Department through the Colonial Secretary.

The Earl of Clarendon, K.G.,
&c. &c. &c.

I have, &c.
(Signed) J. BOWRING.

Emigration Office, Victoria, Hongkong,
December 29, 1856.

SIR,

I do myself the honour to acknowledge the receipt of your letter dated the 26th instant, No. 975, transmitting a letter from the Superintendency of Trade, and also enclosing a copy of a communication from the President of the Strangers' Home for Asiatics in England, with reference to the mortality which is said to have occurred on board the emigrant ships "John Calvin" and "Duke of Portland," which vessels were cleared out from this port bound to Havana, by my predecessor (Mr. Hillier), on the 12th of March and 1st April last respectively, and requesting me to furnish you with the fullest particulars in my power respecting them.

2. On reference to the records of my predecessor, I find that the ship "John Calvin" was authorized to carry 81 passengers only, whereas, by the slip of newspaper attached

to Sir E. N. Buxton's letter to the Earl of Clarendon above mentioned, I find that 110 deaths occurred on the voyage! It would therefore appear that this vessel succeeded in going to sea with a much larger number of coolies than that authorized by the emigration officer, a copy of whose certificate is hereto annexed, and also an extract from the emigration record book, which purports to show that a portion of the coolies originally shipped had declined to proceed on the voyage.

3. As regards the ship "Duke of Portland," I can only say, that the vessel was authorized to carry 334 passengers only, out of which number she appears to have landed 202. A copy of the clearance certificate of Mr. Hillier I also annex; I would, however, remark, that the requirements of the Chinese Passengers Act of 1855, appear to have been complied with at this port; that the vessel carried a surgeon, was supplied with medicines according to the scale prescribed in Schedule (A), and that the bonds in each case, copies of which are annexed, were duly entered into and executed.

4. It appears to me that the ship "John Calvin" was improperly allowed to clear inwards at Havana with a greater number of Coolies on board than the emigration officers' clearance from this port permitted; and that had an inquiry taken place at Havana, the fraud in both cases, if any had been committed, would have been detected, and this Government would no doubt have been furnished with such evidence as would have enabled it to recover from the sureties the penalties for the non-fulfilment of the provisions of the "Chinese Passengers Act" of 1855.

The Hon. W. F. Mercer,
Colonial Secretary, &c. &c. &c.

I have &c.
(Signed) C. R. MITCHELL,
Emigration Officer.

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 1.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorize the Chinese passenger ship "John Calvin" to proceed to sea for the port of Havana, in Cuba; and I certify that the said ship can legally carry 301 adults, and that there are on board 81 passengers, making in all male statute adults;* that the space set apart and to be kept clear for the use of such emigrants is as follows:—On the upper deck, 895.5 superficial feet, being fore poop cabin, 337.7; after deck house, 99.4; fore deck house, 458.6; and in the between decks, 2,724.2 superficial feet, being the whole deck; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows:—Wind sails and ventilation trunks; a plank taken out on each side of the deck; that the ship is furnished with a proper quantity of good provisions, fuel, and water for 147 days' issues to the passengers according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts according to the annexed scale of medical necessities; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them, as now modified, to be reasonable; that no fraud appears to have been practised in collecting the emigrants, and that there are on board a surgeon and interpreter approved by me, and designated respectively, Le Chew and Laong Ahoy. The master of the ship is to put into St. Helena for water and fresh vegetables. Estimated length of voyage from Hongkong to St. Helena, 79 days; St. Helena to Havana, 68 days.

(*sic in original.)

(Signed) C. B. HILLIER,
Emigration Officer.

Dated at Hongkong, this 12th day of March 1856.

True copy.
(Signed) C. R. MITCHELL,
Emigration Officer.

Hongkong, December 29, 1856.

No. 2.

THIS ship was despatched by Messrs. Lyall, Still, and Co., who applied for a clearance for 302 passengers (the ship had capacity for 301 and a portion), but on the passengers being mustered and the contracts explained by the emigration officer, all but 81 declined to go. Messrs. Lyall, Still, and Co. were told that a certificate could be granted for such passengers only as had signed their contracts and come on board willingly, with a full knowledge of the premises; that this present refusal to proceed made evidence of consent in each case necessary. They replied that they were not prepared with this evidence, as the contracts had for the most part been witnessed before the procurador of Macao; they preferred, therefore, to receive a clearance for the number now consenting. There was no evidence of fraud or violence in collecting the men, but, on the contrary, proof of unusual care.

True copy.
(Signed) C. R. MITCHELL,
Emigration Officer.

Hongkong, December 29, 1856.

True copy.
(Signed) W. WOODGATE.

No. 3.

No. 3.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorize the Chinese passenger ship "Duke of Portland," to proceed to sea for the port of Havana, in Cuba; and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and twelve years; that the space set apart and to be kept clear for the use of such emigrants is as follows:—On the upper deck, 1,140 $\frac{1}{2}$ superficial feet, being fore poop cabins, cabin before poop, and deck-house, and in the between decks, 2,870 $\frac{1}{2}$ superficial feet, being the whole deck; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows: scuttles, air funnels, and wind sails; that the ship is furnished with a proper quantity of good provisions and fuel; water, more than sufficient for the passage to St. Helena, for 168 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessities; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon and interpreter, approved by me, and designated respectively David Ludgate and Sungto. The master of the ship is to put into St. Helena for water and fresh vegetables. Passage from Hongkong to St. Helena, estimated at 90 days; from St. Helena to Havana at 78 days.

(Signed) C. B. HILLIER,
Emigration Officer.

Dated at Hongkong this 1st day of April 1856.

Annexed to this certificate are:

1. Passenger List, as supplied by Master.
 2. Copy of the Contract for Labour.
 3. Schedule (A.) of Chinese Passengers' Act.
- Hongkong, December 29, 1856.

Emigration Officer.

True copy.

(Signed) C. R. MITCHELL,

True copy.

(Signed) W. WOODGATE.

No. 4.

COLONY OF HONGKONG TO WIT.

KNOW all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland; Queen, Defender of the Faith, in the sum of One thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

(L. S.) (Signed) A. THORNHILL.
(L. S.) " G. LYALL.
(L. S.) " C. F. STILL.

Sealed with our Seals.

Dated at Hongkong this 11th day of February 1856.

Whereas by the Chinese Passengers Act, 1855, it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an emigration officer, enter into a bond to Her Majesty, Her heirs and successors, in the sum of One thousand pounds:

Now the condition of this obligation is this, that if (in respect of the ship "John Calvin," whereof Alonso Thornhill is master,) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in Schedule (A.) to the said Act annexed, or enacted by the legislature of Hongkong, shall be well and truly observed and performed, then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered by the above-bounden Alonso Thornhill, George Lyall, and Charles Frederick Still, in the presence of,

(Signed) C. B. HILLIER,
Emigration Officer.

Hongkong, December 29, 1856.

No. 5.

No. 5.

KNOW all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of One thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

(L. S.) (Signed) G. F. SEYMOUR.
 (L. S.) " A. C. MALCOLM.
 (L. S.) " G. LYALL.

Dated at Hongkong this 28th day of March 1856. Sealed with our Seals.

Whereas by the Chinese Passengers Act 1855, it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall with two sufficient sureties to be approved by an emigration officer, enter into a bond to Her Majesty, Her heirs and successors, in the sum of One thousand pounds :

Now the condition of this obligation is this, that if (in respect of the ship "Duke of Portland," whereof George Frederick Seymour is master) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in Schedule (A.) to the said Act annexed, or enacted by the legislature of Hongkong, shall be well and truly observed and performed (in like manner as the same ought to be observed and performed in case the said ship were a British ship, and the said* a British subject,) then this obligation to be void, otherwise to remain in full force and effect.

*(This blank was in the original certificate.)

Signed, sealed, and delivered by the above-bounden George Frederick Seymour, Alexander Campbell Maclean, and George Lyall, in the presence of,
 (Signed) C. B. HILLIER,
 Emigration Officer.

Hongkong, December 29, 1856.

No. 30.

No. 30.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon. H. LABOUCHERE, M.P.

(No. 46.) Government Offices, Victoria, Hongkong,
 March 7, 1857.

SIR,

(Received May 2, 1857.)

I HAVE the honour to inform you that on receipt of your despatch, No. 130,† of 14th November 1856, relating to the mortality which occurred on board the ships "Duke of Portland" and "John Calvin," I directed communications to be made on the subject to Messrs. Jardine, Matheson & Co., the agents for the "Duke of Portland," and Messrs. Lyall, Still & Co., the charterers of both ships. I have received the accompanying replies from these firms, and this appears to be the only information that can be collected here on these lamentable cases.

† Page 42.

I have, &c.

Right Hon. H. Labouchere, M.P., (Signed) JOHN BOWRING.
 &c. &c. &c.

Enclosure 1 in No. 30.

Encl. 1 in No. 30.

SIR,

Hongkong, February 12, 1857.

WE have the honour of acknowledging receipt of your letter of 9th instant, having reference to the Coolie ships "John Calvin" and "Duke of Portland," and we shall have great pleasure in affording his Excellency the Governor every information which may be in our possession regarding the sad mortality which occurred amongst the emigrants on board those vessels.

Of the "Duke of Portland" we know but little, beyond the fact that in her case, as in the case of the "John Calvin," the greatest possible care was taken here in her despatch, both by ourselves and by the late Mr. Hillier, the emigration officer, who was on board repeatedly previously to her leaving, and who inspected the provisions very closely. From this vessel, since her leaving, we have had no communication; but we are aware that a great mortality did take place, and Messrs. Jardine, Matheson, and Co., who were the agents for the ship, may probably have heard either from the master or the owners.

With reference to the "John Calvin," owing to the circumstance of our being the owners of that vessel, we are enabled to give you more information; and we have now the honour

of handing you an extract from Captain Thornhill's letter to us, announcing his arrival at Havannah, and giving us the particulars of the sickness on board. Beyond this we know nothing, excepting that 225*l.* were spent at St. Helena in the purchase of vegetables and other fresh provisions for the use of the Coolies.

As we have said before, great care was taken both by Mr. Hillier and ourselves in the despatch of the vessel from this; and the master and officers were most efficient, the former particularly having had experience in carrying Chinese. It would appear, therefore, that the mortality arose from the length of the voyage and from causes which were beyond all human control.

We have, &c.

(Signed) LYALL, STILL, AND Co.

The Hon. W. T. Mercer, Esq., Colonial Secretary,
&c. &c. &c.

Encl. 2 in No. 30.

Enclosure 2 in No. 30.

EXTRACT of Captain THORNHILL's letter to LYALL, STILL, and Co., dated Havannah,
September 23, 1856.

I BEG to inform you, by this opportunity, of my arrival here on the 2d instant, after a long and tedious passage of 171 days, and much regret being placed in quarantine immediately, having lost 111 Coolies and 11 of my crew by death from fever, dysentery, anasacra, and from the effects of opium. After writing you from Anjer, the wind came from the south-west, with a current setting at the rate of three knots per hour to the eastward, which compelled me to anchor in the Straits of Sunda until the 15 April, during which time the typhus fever broke out and carried off 10 of them, cleared the Straits on the 17th, and arrived at St. Helena on the 28th June, having experienced light winds in the south-east trade, and heavy westerly gales off the Cape of Good Hope, and lost 55 Coolies. After leaving there, they appeared to improve, and no death until the 10th day out, when the strongest went off suddenly, after a few hours' illness of anasarca; they were perfectly quiet and submissive during the whole passage. I received pratique on 9th, having laid eight days in quarantine, during which time lost 11 Coolies, and landed 175 alive.

(True copy.)

(Signed) LYALL, STILL, AND Co.

Encl. 3 in No. 30.

Enclosure 3 in No. 30.

The Honourable W. T. BRIDGES, Esq., Acting Colonial Secretary, &c. &c. Hongkong.

SIR,

Hongkong, February 21, 1857.

WE beg to acknowledge receipt of your communication of the 17th instant, on the part of his Excellency the Governor, requesting information regarding the case of the Coolie ship "Duke of Portland," from this to the Havannah, and asking for particulars of the mortality reported to have taken place.

In reply, we beg to state that we were mere agents for the ship which we chartered to Messrs. Lyall, Still, and Co., who had afterwards everything to do with the shipment of the Coolies, &c., and who are therefore much more likely to be in a position to afford you information regarding the voyage than we are; indeed we have not heard of or from the vessel since her departure, and consequently know nothing whatever of the mortality on board to which you allude.

We have, &c.

(Signed) JARDINE, MATHESON, AND Co.

Encl. 4 in No. 30.

Enclosure 4 in No. 30.

SIR,

Hongkong, March 5, 1857.

WE have the honour of acknowledging receipt of your letter, No. 213, of 23d ultimo, on the subject of the despatch of the "Duke of Portland," and in reply regret that we can only refer you to our former letter of 12th ultimo.

The vessel was despatched from this, as we have already informed you, by the emigration officer in the usual way, only with unusual care, and since her departure we have received no information regarding her.

We have, &c.

(Signed) LYALL, STILL, AND Co.

To Honourable W. T. Bridges, Esq.,
Acting Colonial Secretary,
&c. &c. &c.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 86.)

SIR,

Downing-street, June 29, 1857.

I HAVE had under my consideration your despatch, No. 46,* of the 7th of March, relative to the passenger ships "John Calvin" and "Duke of Portland."

* Page 57.

This despatch shows that no further light is likely to be thrown upon the facts, and I shall therefore now proceed to convey to you such remarks as these cases appear to me to require.

The "John Calvin" sailed from Hongkong for Havannah on the 13th of March 1856, with 298 emigrants on board, and lost 135; the Duke of Portland" sailed from Hongkong for the same destination on the 3d of April 1856, with 332 emigrants on board, and lost 128.

So deplorable a mortality occurring on board of two British ships despatched from the chief port of a British Government in China could not fail to excite both the deep regret of Her Majesty's Government, and also an anxiety to detect its causes, and endeavour to guard against its recurrence. The main points to be ascertained are, whether there was any inhumanity or culpable neglect on the passage; whether the numbers embarked were too large; and whether the emigrants had been deceived and were taken away against their will.

As regards the first point, there appears no reason to suspect any want of humanity or care on the voyage. The British consul at the Havannah, to which the vessels proceeded, instituted an inquiry at the moment of their arrival, and reported that the treatment of the passengers had been humane and attentive. This conclusion was confirmed in the case of the "Duke of Portland" by the report of the Local Marine Board of London. It has not been disputed in the case of the "John Calvin."

No reason has appeared for supposing that the unfortunate sickness on board these vessels was attributable to overcrowding, owing to a misconception of the late emigration officer at Hongkong; the numbers which he declared the ships qualified to carry were larger than the Act really intended. According to the Chinese Passengers Act (18 & 19 Vict. c. 104.), the number of passengers is not to be greater than after the proportion of one to every 12 superficial feet of the 'tween decks. The emigration officer did not confine his measurement of the "tween decks" to the lower deck (which is the usual and real meaning of the term), but included all those parts of the upper deck which were housed over, and which thus formed a space fit for habitation. The particulars set forth in his certificates, and also the figures of his calculations, prove that this was the fact. You have received from me separate instructions, which will prevent the recurrence of this mistake. The persons concerned in the vessel, however, cannot be held responsible for the error of the emigration officer, nor, as already stated, has it been alleged that overcrowding was the cause of the illness and mortality in these vessels.

It remains to be considered whether the people were deceived or removed against their will. That kidnapping and various frauds are often practised by the Chinese brokers who procure emigrants there can be no doubt. On the other hand, it appears unfortunately to be the case that the people themselves who embark are frequently cheats. They pretend to be emigrants in order to live free of expense in the cooly ships, and then, at the last moment, when they have received an advance of wages, they endeavour to desert the ship, or to seize her by force, and effect a landing on the coast. This, of course, must multiply the risks of collision, and enhance the difficulty of doing justice.

The security provided by the Chinese Passengers' Act against the use of frauds or violence in procuring emigrants is contained in the sixth of the regulations annexed to the Act. The emigration officer is to muster the passengers and ascertain that they understand whither they are going, and that they have not been improperly collected; and he may, if he think fit, detain the ship, and order all or any of the passengers to be relanded.

In the "Duke of Portland" the emigration officer mustered the passengers and gave his certificate that the ship was qualified to carry 334, and that

the same number (two less than were finally taken) were on board, and that the ship might proceed. After he had gone, and when the ship was starting, a disturbance occurred, but was suppressed by the police, and the vessel proceeded on her voyage.

Here I have to call your attention to the apparent conduct of the police in the matter. The master of the ship states (at page 10 of the Parliamentary Paper, of which some copies are sent to you herewith), that Mr. May, the superintendent of police, came on board, and that he left several policemen to act as sentries during the night, and that next morning at daylight the vessel was out of the roads. The mate stated (page 13), that the policemen were accompanied by some one from the office of the charterers; but the master says that he is mistaken on this point, and it is evident that the master is the most likely to have known whom he brought from the shore. If these accounts are to be trusted, it appears strange that a superior officer of police, being a witness of the insurrection of a large body of passengers, should have taken no steps to ascertain the real cause of the disturbance. You will call upon Mr. May for an explanation on the subject, and you will give strict orders that in case of any tumult on board of a cooly ship at the time of sailing, no police or other force of the Government is on any account to facilitate her departure without re-summoning the emigration officer, with proper interpreters, if necessary, to discover the grounds of complaint, and whether or not the ship ought to be detained.

It would have been far more prudent, to say the least, on the part of the master himself, to have waited until the nature and validity of the emigrants' discontent could have been ascertained; and he suffered the natural penalty of the opposite course by constant alarms and attempts at violence during the voyage. But still, having been regularly cleared by the functionary designated for the purpose by the Act of Parliament, who had assembled the passengers, and had been ready at that time to receive any complaints which they might have to prefer, he cannot be said to have committed any legal offence, and there appears no ground to sustain a prosecution against him or the owners of the ship.

The case of the "John Calvin" is different in this respect. The emigration officer certified that the ship was qualified to carry 301, but that only 81 were actually on board. It seems that all but 81 declined to go, and that he therefore refused to insert more in his clearance, but the ship nevertheless proceeded to sea with 298. In a letter from the master to the owners, written soon after reaching Havannah, and before he could have any knowledge of the inquiries which would take place in England, he mentions that the conduct of the emigrants was quiet and submissive during the voyage. Whether the excess beyond 81 consisted of the very persons who objected in the presence of the emigration officer, or whether of others picked up subsequently, is not stated; but the former case is the most probable. It also is not stated that the emigration officer ordered the passengers to be re-landed under the terms of the 6th Regulation, and he certainly did not detain the ship, for by granting his certificate he enabled the captain to put to sea. The proper course for the emigration officer would have been to withhold his clearance until he was satisfied that all the passengers whom he wished to be removed were re-landed. You will explain this carefully to the present emigration officer, and desire him to guide himself accordingly in any future case which may occur of the same nature. Although, however, the late emigration officer does not appear to have taken the best course for enforcing his views, there can be no doubt that the master of the "John Calvin" defeated the spirit of the Act in proceeding to sea with 298 emigrants, when only 81 had been approved of by the emigration officer; and I have, therefore, caused a case to be laid before the law officers of the Crown, to ascertain whether there may not have been such an infraction of the letter as will sustain a prosecution; and in that case the bond should, without fail, be put in suit against the master and his sureties. I shall lose no time in apprising you of the result of the reference to the law officers of the Crown.

I have, &c.

Governor Sir John Bowring,
&c. &c. &c.

(Signed) H. LABOUCHERE.

No. 32.

No. 32.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 83.)

SIR,

Downing Street, June 18, 1857.

In my despatch, No. 28,* of the 14th of March last, your attention was called to the requirements of the regulations appended to the Chinese Passengers' Act, that for every passenger on board there should be a space of at least twelve superficial feet on the 'tween decks, and also a space of five superficial feet on the upper deck left clear for the use of the passengers, and you were informed that this space was in my opinion decidedly not more than sufficient, and that it ought not to be diminished. I trust, therefore, that any communications to the present emigration officer which you may have founded on that despatch from me will have precluded any future misunderstanding of the subject.

* Page 47.

But since the time when I wrote to you, the nature of the misconception under which the late emigration officer acted in computing the capacity of the two ships, the "John Calvin" and "Duke of Portland," has become apparent on further examination of the figures and statements contained in his certificates of clearance, it is found that in computing the superficial feet of the 'tween decks, he did not confine himself to the lower deck, but included all those parts of the upper deck which were housed over. To prevent the possibility of further mistake, therefore, I have to request that you will apprise the present emigration officer that this is not the true intent of the regulations appended to the Act. The meaning of them is, that for every passenger on board there shall be distinctly twelve superficial feet of the lower deck itself, and likewise five superficial feet of the upper deck available to them for air and exercise. You will enjoin it upon the emigration officer to carry this regulation fully into effect.

I am, &c.

Governor Sir John Bowring,
&c. &c. &c.

(Signed) H. LABOUCHERE.

No. 33.

No. 33.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 41.)

SIR,

Downing-street, April 6, 1857.

My attention has been drawn by the Lords of the Committee of Privy Council for Trade to the fact that the ship "John Calvin" was cleared from Hongkong, whence she sailed in March 1856, with a certificate for 81 passengers, but that she would appear to have proceeded in reality with 298 passengers on board. Their Lordships are endeavouring to learn from the master of the ship who is now in London, how this discrepancy or evasion of the law may have occurred. In the meanwhile, I have to request that you will inquire whether any explanation of the circumstance can be furnished from the emigration office at Hongkong.

I have, &c.

Governor Sir John Bowring,
&c. &c. &c.

(Signed) H. LABOUCHERE.

No. 34.

No. 34.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 52.)

SIR,

Downing Street, April 27, 1857.

WITH reference to my despatch, No. 41, of the 6th of April, requesting you to seek information respecting the circumstances under which the "John Calvin" was cleared, I have to acquaint you that the Board of Trade have

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apprised me that all endeavours to find Captain Thornhill, the late master of that vessel, have failed, but that from recent information obtained by the registrar of seamen, it appears likely that he left this country for China by the overland route, about a month since. I apprise you of this probability in order that if Captain Thornhill should have reached Hongkong, you may be able to make use of his presence in any inquiry which may be instituted on the spot into the case of the "John Calvin."

Governor Sir John Bowring,
&c. &c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

No. 35.

No. 35.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
H. LABOUCHERE, M.P.

(No. 64.)

Government Offices, Victoria, April 10, 1857.

(Received June 5, 1857.)

(Answered No. 81, June 15, 1857, page 63.)

SIR,

I HAVE to report to you the following circumstances connected with the British ship "Gulnare," engaged in conveying Chinese hired emigrants to the Havannah. The "Gulnare" arrived in Hongkong on March 13, and her captain reported that she had left Swatow, near Amoy, on March 11, with a crew of 32 men, and having on board 432 Chinese. On the following morning, at 7.15 a.m., a desperate and well-combined attack was made by the emigrants to obtain possession of the ship, and, as they failed in this, through the determined conduct of the officers and crew, they attempted to set her on fire. They were finally put down, after severely wounding the third officer and one of the crew; nine of their own number were shot, many more wounded, and three jumped overboard to avoid capture. On March 14, 20 of the Chinese, who had taken the most prominent part in this piratical attempt, were brought on shore in the custody of the police; the charge against them was investigated by the chief magistrate, who committed 18 to take their trial at the Supreme Court for piracy, with wounding. One of the wounded Chinese died soon after the "Gulnare" arrived in harbour, and a coroner's inquest, whose verdict was one of "Justifiable homicide," was held on the body on March 17. To facilitate the despatch of the ship, the Chief Justice held an extra criminal sessions of the Supreme Court on March 27. A verdict of "Guilty" was returned thereat, after a trial which lasted the whole day, against all the 18 prisoners; the Chief Justice left three, Ng-king-seang, Cheem-koong-sew, and Chun-amoon for execution, and ordered a sentence of "Death recorded" to be entered up against the remaining 15. At a meeting of the Executive Council, held on Monday the 6th, after a lengthened investigation of all the circumstances of this case, I came to the conclusion, in which, however, I was not supported by the Lieutenant-Governor and Colonial Secretary, that the ends of justice would be sufficiently answered if the extreme penalty of the law were carried out in the case of the first-named convict, Ng-king-seang only. This man had clearly acted as a ringleader, and was apparently of a different, if not of a superior, station in life to the other prisoners. Ng-king-seang was executed on Thursday, April 9, and the sentences of the other 17 prisoners have been commuted into that of transportation for life. I have to remark, in conclusion, that the emigration officer was directed to institute a thorough inquiry into the state of the provision, &c., on board the "Gulnare," and he has reported that she was provided in every way in a complete and satisfactory manner. She was despatched from this on March 30, with 326 emigrants, being of sufficient capacity to carry 338.

I hope that you will approve of the line of conduct I have pursued; and

I have, &c.
The Rt. Hon. H. Labouchere, M.P., (Signed) JOHN BOWRING.
&c. &c. &c.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 81.)

SIR,

Downing Street, June 15, 1857.

I HAVE to acknowledge the receipt of your despatch, No. 64,* of the 10th of April, reporting that eighteen Chinese emigrants had been tried for a piratical attempt to take possession of the British ship "Gulnare;" that one of the prisoners had been executed, and that the sentences passed on the other seventeen had been commuted to transportation for life. In sparing the lives of two of the three prisoners who were left by the Chief Justice for execution, I entertain no doubt that you used to the best of your discretion the prerogative of mercy with which you are invested.

* Page 64.

I have, &c.

Governor Sir John Bowring,
&c. &c. &c.

(Signed) H. LABOUCHERE.

No. 37.

No. 37.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
H. LABOUCHERE, M.P.

(No. 82.)

Government Offices, Victoria, Hongkong,
May 20, 1857.

SIR,

(Received July 20, 1857.)

IN despatch No. 28, of the 14th March,† relating to the passenger ships "Duke of Portland" and "John Calvin," you directed me to inquire what record or evidence exists, that the passengers embarked in the "Duke of Portland" were duly inspected, and the correctness of their agreements ascertained. You further desired an explanation upon the numbers which both the said ships were computed to be legally qualified to carry, and a report explaining how, when the Chinese Passengers' Act requires for each passenger a space of five superficial feet on the upper, and twelve superficial feet on the lower deck, the emigration officer's certificate would only allow about three superficial feet above, and eight below, in proportion to the number of passengers declared admissible in such two ships.

† Page 19 of
House of Commons
Paper, No. 147,
March 21, 1857.

I have the honour to transmit in reply the accompanying letters with documents from the emigration officer, dated respectively the December 29, 1856, and May 15, 1857.

These will, I trust, prove to your satisfaction that no precautionary measure was omitted here to protect the passengers in the "Duke of Portland" and "John Calvin." The discrepancy as to the amount of room allowed has, I conceive, arisen from an inaccurate copy of the emigration officer's certificate, as the full space in both instances appears to have been secured.

I have, &c.

The Right Hon. H. Labouchere, M.P., (Signed) JOHN BOWRING.
&c. &c. &c.

Enclosure 1 in No. 37.

Encl. 2 in No. 37.

Emigration Office, Victoria, Hongkong,
May 15, 1857.

SIR,

IN reply to your letter of the 13th instant, No. 457, requesting me to ascertain and report, for the information of his Excellency the Governor, whether there exists in my office any record of the passengers by the "Duke of Portland" having been duly inspected, and the correctness of their agreements ascertained, and informing me that the Secretary of State for the Colonies is under the impression that instead of five superficial feet on the upper deck and 12 superficial feet on the lower deck for each passenger on board the ships "Duke of Portland" and "John Calvin," there was only three feet above and eight below allowed, and requesting me to ascertain, if possible, the proportionate amount of room allowed to each passenger on board of such ships; and also requiring a statement whether the regulations of the Chinese Passenger Act, with regard to passengers, are or have been in any way departed from; I do myself the honour to draw attention to my letter to your predecessor, dated the 29th December last, No. 13, and its

(520.)

H 4

enclosures, in reply to his letter to me of the 26th December, No. 975, enclosing for my report a copy of a letter from the President of the Strangers' Home for Asiatics in England, which I think will be found to contain nearly all the information now required.

2. I would, however, state that each statute adult on board the ship "John Calvin" was allowed the full space prescribed by the Act, viz., 12 feet below and five feet above for exercise; and that the provisions of the Chinese Passengers Act have been, during my term of office, and are at present, so strictly carried out in this colony that it will be in his Excellency's recollection that complaints have been made by the masters and agents, of vessels thereof, and in one instance a protest was made by the master of the British ship "Gulnare" against me for so strictly enforcing the provisions of the Act with regard to space.

3. With regard to the ship "Duke of Portland," she appears to have cleared out with the number of passengers she was entitled to carry, although, upon the face of it, there appears to be some clerical error in the certificate of Mr. Hillier, my predecessor, inasmuch as I find, from the certificate of Captain Watkins, copies of both of which I beg to annex, that the full space was allowed to each individual on board the said vessel.

I have, &c.

(Signed) E. R. MICHELL,
Emigration Officer.

Hon. Dr. Bridges, Colonial Secretary,
&c. &c. &c.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorize the Chinese passenger ship "Duke of Portland" to proceed to sea for the port of Havannah, in Cuba; and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and 12 years; that the space set apart and to be kept clear for the use of such emigrants is as follows:—On the upper deck 1,140 $\frac{1}{2}$ superficial feet, being fore-poop cabins, cabin before poop, and deck-house; and in the between deck, 2,870 $\frac{3}{4}$ superficial feet, being the whole deck; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows; scuttles, air-funnels, and windsails; that the ship is furnished with a proper quantity of good provisions and fuel; water more than sufficient for the passage to St. Helena for 168 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessaries; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate,) and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon and interpreter approved by me, and designated respectively David Ludgate and Sungto.

The master of the ship is to put into St. Helena for water and fresh vegetables. Passage from Hongkong to St. Helena estimated at 90 days, from St. Helena to Havannah 78 days.

(Signed) C. B. HILLIER,
Emigration Officer.

Dated at Hongkong, this 1st day of April 1856.

Annexed to this certificate are,—

1. Passenger List, as supplied by Master.
2. Copy of the Contract for Labour.
3. Schedule A. of Chinese Passenger Act.

I HEREBY certify that I have measured the British ship "Duke of Portland," and report that she has capacity, under Act 18 & 19 Vict. c. 104., for the conveyance through the tropics of three hundred and thirty-four $\frac{3}{4}$ (334 $\frac{3}{4}$) Chinese passengers, allowing 12 superficial feet for the accommodation of each passenger, as follows, viz.:—

On the main deck	-	-	-	-	2,870.5	superficial feet.
In the fore-poop cabins	-	-	-	-	343.10	" "
In the cabins before the poop	-	-	-	-	539.5	" "
In the deck-house	-	-	-	-	257.5	" "

12)4,011.1

334 $\frac{3}{4}$

I further certify that the "Duke of Portland" has a clear space of 2,674 superficial feet on the upper deck for the use of the passengers, viz. :—

On the poop	-	-	-	863·7	superficial feet.
On the cabin before the poop	-	-	-	565·6	"
On the spar-deck	-	-	-	756·6	"
On the forecastle	-	-	-	488·6	"

5)2,674·1

534½

Being upwards of five superficial feet for each passenger.

Dated at Victoria, Hongkong, February 28, 1856.

(Signed) J. V. WATKINS,
Harbour Master.

Enclosure 2 in No. 37.

Encl. 2 in No. 37.

Emigration Office, Victoria, Hongkong,

December 29, 1856.

SIR,

I do myself the honour to acknowledge the receipt of your letter dated the 26th instant, No. 975, transmitting a letter from the Superintendency of Trade, and also enclosing a copy of a communication from the President of the Strangers' Home for Asiatics in England, with reference to the mortality which is said to have occurred on board the emigrant ships "John Calvin" and "Duke of Portland," which vessels were cleared out from this port, bound to Havannah, by my predecessor (Mr. Hillier) on the 12th March and 1st April last respectively, and requesting me to furnish you with the fullest particulars in my power respecting them.

2. On reference to the records of my predecessor, I find that the ship "John Calvin" was authorized to carry 81 passengers only, whereas by the slip of newspaper attached to Sir E. N. Buxton's letter to the Earl of Clarendon above mentioned, I find that 110 deaths occurred on the voyage. It would therefore appear that this vessel succeeded in going to sea with a much larger number of Coolies than that authorized by the emigration officer, a copy of whose certificate is hereto annexed, and also an extract from the Emigration Record Book, which purports to show that a portion of the Coolies originally shipped had declined to proceed on the voyage.

3. As regards the ship "Duke of Portland," I can only say, that this vessel was authorised to carry 334 passengers only, out of which number she appears to have landed 202. A copy of the clearance certificate of Mr. Hillier I also annex. I would, however, remark that the requirements of the Chinese Passengers Act of 1855 appear to have been complied with at this port; that the vessel carried a surgeon, was supplied with medicines according to the scale prescribed in Schedule A; and that the bonds in each case, copies of which are annexed, were duly entered into and executed.

4. It appears to me that the ship "John Calvin" was improperly allowed to clear inwards at Havannah with a greater number of Coolies on board than the emigration officer's clearance from this port permitted; and that had an enquiry taken place at Havannah, the fraud in both cases, if any had been committed, would have been detected; and this Government would no doubt have been furnished with such evidence as would have enabled it to recover from the sureties the penalties for the non-fulfilment of the provisions of the "Chinese Passengers Act, 1855."

I have, &c.

(Signed) E. R. MICHELL,
Emigration Officer.

Hon. W. T. Mercer, Esq., Colonial Secretary,
&c. &c. &c.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorize the Chinese passenger ship "John Calvin" to proceed to sea for the port of Havannah, in Cuba; and I certify that the said ship can legally carry 301 adults, and that there are on board 81 passengers, all male statute adults; that the space set apart and to be kept clear for the use of such emigrants is as follows :—On the upper deck 895·5 superficial feet, being fore-poop cabin, 337·7; after deck-house, 99·4; fore-deck house, 458·6, and in the between deck, 2,724·2 superficial feet, being the whole deck. That the ship is properly manned and fitted; and that the means of ventilating the part of the between decks appropriated to passengers are as follows :—windsails and ventilating trunks, a plank taken out on each side of the deck. That the ship is furnished with a proper quantity of good provisions, fuel, and water for 147 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessaries. That I have inspected the contracts between the emigrants and their intended employers, (the terms of which are annexed to this certificate), and consider them, as now modified,

to be reasonable ; that no fraud appears to have been practised in collecting the emigrants and that there are on board a surgeon and interpreter approved by me, and designated respectively Le Chew and Laong Ahoy.

The master of the ship is to put into St. Helena for water and fresh vegetables. Estimated length of voyage from Hongkong to St. Helena, 79 days; St. Helena to Havannah, 68 days.

(Signed) C. B. HILLIER,
Emigration Officer.

Dated at Hongkong this 12th day of March, 1856.

(True copy.)

(Signed) E. R. MICHELL,
Emigration Officer.

Hongkong, December 29, 1856.

ENCLOSURE No. 2 in Emigration Officer's Letter to the Hon. W. T. Mercer, Esq., of the 29th December 1856, having reference to the Ship "John Calvin."

This ship was despatched by Messrs. Lyall, Still, and Co., who applied for a clearance for 302 passengers (the ship had capacity for 301 and a portion), but on the passengers being mustered and the contracts explained by the emigration officer, all but 81 declined to go. Messrs. Lyall, Still, and Co. were told that a certificate could be granted for such passengers only as had signed their contracts and come on board willingly, with a full knowledge of the premises ; that this present refusal to proceed made evidence of consent in each case necessary. They replied that they were not prepared with this evidence, as the contracts had for the most part been witnessed before the procurador of Macao ; they preferred, therefore, to receive a clearance for the number now consenting. There was no evidence of fraud or violence in collecting the men, but, on the contrary, proof of unusual care.

(True copy.)

(Signed) E. R. MICHELL,
Emigration Officer.

Hongkong, December 29, 1856.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorize the Chinese passenger ship "Duke of Portland" to proceed to sea for the port of Havannah, in Cuba, and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and 12 years ; that the space set apart and to be kept clear for the use of such emigrants is as follows :—On the upper deck, 1,140 $\frac{1}{2}$ superficial feet, being fore-poop cabins, and cabin before poop ; and in the between deck, 2,870 $\frac{1}{2}$ superficial feet, being deck-house, the whole deck ; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows :—scuttles, air-funnels, and windsails ; that the ship is furnished with a proper quantity of good provisions and fuel, water more than sufficient for the passage to St. Helena, for 168 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts according to the annexed scale of medical necessities ; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate,) and consider them reasonable ; that no fraud appears to have been practised in collecting the emigrants ; and that there are on board a surgeon and interpreter approved by me, and designated respectively David Ludgate and Sungto.

The master of the ship is to put into St. Helena for water and fresh vegetables. Passage from Hongkong to St. Helena, estimated at 90 days ; from St. Helena to Havannah, 78 days.

(Signed) C. B. HILLIER,
Emigrant Officer.

Dated at Hongkong, this 1st day of April 1856.

Annexed to this certificate are—

1. Passenger List, as supplied by Master.
2. Copy of the Contractor for Labour.
3. Schedule A. of Chinese Passenger Act.

(True copy.)

(Signed) E. R. MICHELL,
Emigration Officer.

Hongkong, December 29, 1856

COLONY OF HONGKONG TO WIT.

Know all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of One thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

(Signed) A. THORNHILL. (L.S.)
GEO. LYALL. (L.S.)
C. F. STILL. (L.S.)
Sealed with our Seals.

Dated at Hongkong, this 11th day of February 1856.

WHEREAS by the "Chinese Passengers Act, 1855," it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an emigration officer, enter into a bond to Her Majesty, Her heirs and successors, in the sum of 1,000*l*.

Now the condition of this obligation is this, that if (in respect of the ship "John Calvin," whereof Alonso Thornhill is master) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in Schedule A. to the Act annexed, or enacted by the Legislature of Hongkong, shall be well and truly observed and performed, then this obligation to be void, otherwise, to remain in full force and effect.

Signed, sealed, and delivered by the above-bounden Alonso Thornhill, George Lyall, and Charles Frederick Still, in the presence of

(Signed) C. B. HILLER,
Emigration Officer.

(True copy)
(Signed) E. R. MICHELL,
Emigration Officer.

Hongkong, December 29, 1856.

Know all men be these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of One thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

(Signed) GEO. F. SEYMOUR. (L.S.)
A. C. MACLEAN. (L.S.)
GEO. LYALL. (L.S.)
Sealed with our Seals.

Dated at Hongkong this 28th day of March 1856.

WHEREAS by the "Chinese Passengers Act, 1855," it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties, to be approved by an emigration officer, enter into a bond to Her Majesty, her heirs and successors, in the sum of One thousand pounds.

Now the condition of this obligation is this, that if (in respect of the ship "Duke of Portland," whereof George Frederick Seymour is master), all and every of the requirements of the said "Chinese Passenger Act," and of the regulations contained in Schedule A. to the Act annexed, or enacted by the Legislature of Hongkong, shall be well and truly observed and performed (in like manner as the same ought to be observed and performed in case the said ship were a British ship, and the said British ship a British subject,) then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered by the above-bounden George Frederick Seymour, Alexander Campbell Maclean, and George Lyall, in the presence of

(Signed) C. B. HILLIER,
Emigration Officer.

(True copy.)
(Signed) E. R. MICHELL,
Emigration Officer.

Hongkong, December 29, 1856.

No. 38.

No. 38.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
H. LABOUCHERE, M.P.

(No. 112.)

Government Offices, Victoria, Hongkong,
July 17, 1857.

SIR, -

(Received September 25, 1857.)

* Page 61.

By your Despatch, No. 52,* of 27th April 1857, I had the honour to be informed by you that Captain Thornhill, of the ship "John Calvin," was supposed to have left England for China by the overland route. I have caused inquiries to be made with regard to him, and by the accompanying letter from the harbour master, Captain Thornhill seems to have proceeded to Calcutta, and not to China.

I have, &c.

The Right Hon. H. Labouchere, M.P., (Signed) JOHN BOWRING.
&c. &c. &c.

Encl. in No. 38.

Enclosure in No. 38.

(No. 44.)

Harbour Master Office, Victoria, Hongkong,
July 11, 1857.

SIR,

IN reply to your letter, No. 621, of the 9th instant, having reference to the whereabouts of Captain Thornhill, lately in command of the ship "John Calvin," I do myself the honour to report, for the information of his Excellency the Governor, that, from inquiries made, I have every reason to believe he is somewhere in India, having left London some months ago, as I learn, for Calcutta.

I have, &c.,

(Signed) E. R. MICHELL,
Acting Harbour Master.

*The Hon. Dr. W. T. Bridges, Acting Colonial Secretary,
&c. &c. &c.

No. 39.

No. 39.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 101.)

Downing Street, August 18, 1857.

SIR

August 8.

WITH reference to the concluding portion of my Despatch No. 86, of the 29th of June, I enclose, for your information and guidance, a copy of the opinion which I have received from the law officers of the Crown upon the question of the liability of the parties concerned in the "John Calvin," to the forfeiture of the bond given for the observance of the Chinese Passengers' Act.

I think that, in pursuance of this opinion, it will be proper that you should take steps for putting the bond in suit.

I have, &c.

Governor Sir John Bowring, (Signed) H. LABOUCHERE.
&c. &c. &c.

No. 40.

No. 40.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon.
HENRY LABOUCHERE, M.P.

(No. 148.)

Government Offices, Victoria, Hongkong,
October 9, 1857.

(Received December 7, 1857.)

(Answered, No. 1, January 2, 1858, page 70.)

SIR,

* Page 59.

IN your Despatch, No. 86, of June 29,* 1857, you were pleased to direct me to call upon Mr. May, the superintendent of police, for an expla-

nation of his conduct with regard to the dispatch of the emigrant ship "Duke of Portland." I have done so, and I have the honour to forward herewith such explanatory letter which will, I trust, prove satisfactory to you.

I have, &c.

(Signed) JOHN BOWRING.

Right Hon. H. Labouchere, M.P.

&c. &c. &c.

Enclosure in No. 40.

Encl. in No. 40.

(No. 80.)

Police Department, Victoria, Hongkong,
September 2, 1857.

SIR,

I HAVE the honour to acknowledge receipt of your letter, No. 746, dated 21st ultimo, upon the subject of a Despatch received from the Right Honourable the Secretary of State for the Colonies, calling for an explanation of my conduct as superintendent of police, on the matter of the Coolie ship "Duke of Portland." Captain Seymour, the master of such ship, informed his owners by letter that—

"On 2nd April, when hove short and ready for sailing, the Chinese crowded aft, took belaying pins from the rails, and armed themselves with firewood, yelling and shouting in a fearful manner, throwing everything moveable overboard. He then had an interview with the stipendiary magistrate at the Supreme Court, who came on board with a police force. The coolies laughed at them, and at length they were driven below at the point of the bayonet. Then planted my two guns inside the cuddy door, loaded them with grape and canister; had the carronades loaded and placed at the poop five-rail; gave the men a cutlass each. Mr. May (magistrate) was then on board; he left a serjeant and five policemen on board for sentries during the night. At daylight I was out of the Roads."

I have the honour to state, for the information of his Excellency the Governor, with a view that the statement may be laid before the Right Honourable the Secretary of State for the Colonies, that the extent of my knowledge on the subject is very limited; but that I have enclosed reports touching the matter which will convey the required intelligence, in so far as it regards the interference of the Hongkong police.

Early on the morning of the 1st of April 1856, I proceeded in the police boat on police duty to the town of Aberdeen, and returned therefrom to Victoria in the afternoon, arriving in Victoria harbour at about six p.m. I was casually informed by a gentleman passing in a boat that there had been a disturbance on board the Coolie emigrant ship "Duke of Portland," then at anchor in the harbour, and that he believed police constables were on board the said ship. I immediately steered to the "Duke of Portland," and went on board. I saw two constables there, who told me that there had been a disturbance on board amongst the coolies, and that they had been ordered to remain to prevent a recurrence of the disturbance. They mentioned, as far as my memory serves me, that the chief magistrate (who was also emigration officer), and the assistant-superintendent, Mr. Grand Pré, had been on board. Everything was remarkably quiet on board. I did not observe any excitement, or did I see the carronades or guns planted as stated in the captain's letter. I did not make any inquiry, or did I remain on board above a minute, as I was satisfied that, under the orders of the chief magistrate (who was a Chinese scholar), all needful inquiries and proper steps therein had been taken.

Upon arriving at the police station, I saw assistant-superintendent Grand Pré, who reported to me the outlines of the matter, to the effect as reported in the following day's "Morning Report."

I have the honour to enclose a report from assistant-superintendent Grand Pré, an extract from the "Police Morning Report" of the 2nd April, which report was, as usual, forwarded that day to the Honourable the Colonial Secretary and the chief magistrate, and a copy of the case taken at the police court before the assistant magistrate, referring to the prisoner taken for disorderly conduct from on board the "Duke of Portland."

I have, &c.

(Signed) C. MAY,
Superintendent of Police,

At present Acting Assistant Magistrate.

Hon. W. T. Bridges, Esq., D.C.L.,
Acting Colonial Secretary.

Sub-Enclosure 1 in No. 40.

Sub.-Encl. 1 in
No. 40.

REPORT.

On the 2nd of April 1856 the captain of the ship "Duke of Portland" came to the Central Station and said that the Chinese Coolies on board were creating a disturbance, and that he did not consider himself safe. I went to the emigration officer, Mr. Hillier, and reported the circumstances to him; he then told me to take some constables on board,

and that he would follow immediately afterwards. I carried out his orders, and had not been on board five minutes, when Mr. Hillier and Mr. Lyall, the latter agent of the ship, came on board; and Mr. Hillier examined all the Coolies, and they seemed all pretty quiet, with the exception of one of them, who was brought on shore, and charged with being one of the ringleaders. Mr. Hillier then told me it would be well to leave some constables on board; three of them were left. I returned on shore and gave orders to Serjeant M. D'Silva, of the water police, that if he saw everything quiet on board the "Duke of Portland," the next morning, when coming off duty, he was to bring the constables on shore. I saw Serjeant Silva the next morning, and he told me that the ship had got under weigh, and that everything was very quiet on board, and the constables left there had all come on shore.

With regard to what Captain Seymour says, that "the Coolies laughed when they saw the police come on board," and that "the police drove them down below with the points of bayonets," I must beg to say is incorrect.

(Signed) A. GRAND PRÉ,
Police Department, August 24, 1857. Acting Superintendent of Police.

True copy.
(Signed) W. T. BRIDGES,
Acting Colonial Secretary.

Sub.-Encl. 2 in
No. 40.

Sub-Enclosure 2 in No. 40.

IN consequence of representation made that the Chinese emigrants on board the British ship "Duke of Portland" were creating a disturbance on board, having demanded payment of an additional sum of money, more than specified in agreement, assistant-superintendent Grand Pré and a party of police proceeded on board; the Coolies were all orderly excepting one man, who was apprehended. Three constables were left on board, and remained until the ship sailed at four a.m. this day.

(Signed) C. B. H.
W. T. M

True copy.
(Signed) A. GRAND PRÉ,
Acting Sup. Police.

Commenced April 3, 1856. Concluded April 3, 1856. C. M. Court, No. 363.

At the CHIEF MAGISTRATE'S OFFICE, Victoria, in the Colony of Hongkong.

MINUTES of Proceedings in the cause in which C. Bartlett, police constable, is plaintiff; and Huen Ahchun, 22, of Sám-súi, shopman, defendant.

Thursday, April 3, 1856.

C. Bartlett, police constable, charges defendant with using exciting language, calculated to cause a breach of the peace on board the ship "Duke of Portland," on the 2nd April instant, in this harbour.

Defendant discharged.

(Signed) W. H. MICHELL.

No. 41.

No. 41.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Governor Sir JOHN BOWRING.

(No. 1.)

SIR,

Downing Street, January 2, 1858.

I HAVE to acknowledge your Despatch, No. 148* of the 9th October, accompanied by an explanatory letter from the superintendent of police of Hongkong respecting the emigrant ship "Duke of Portland."

You will inform Mr. May that his explanation respecting his conduct in connexion with this vessel is satisfactory.

I have, &c.

Governor Sir John Bowring,
&c. &c. &c.

(Signed) H. LABOUCHERE.

* Page 68.

No. 42.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Rt. Hon.
H. LABOUCHERE, M.P.

(No. 161.)

Government Offices, Victoria, Hongkong,

November 11, 1857.

(Received January 7, 1858.)

SIR,

I HAVE the honour to transmit to you for submission to Her most Gracious Majesty the Queen, Ordinance 11 of 1857. Its principal object is to put a check on the frauds to which Chinese emigrants, and especially those paying their own passage fares, have been from time to time exposed by unprincipled men, both Europeans and Chinese, taking upon themselves the office of passage brokers, and then defrauding their victims of their money and passage by absconding from the colony.

I am of opinion that the Ordinance will be found a valuable auxiliary to the objects of the Government, and therefore confidently submit it for your favourable consideration.

I have, &c.

The Rt. Hon. H. Labouchere, M.P.,
&c. &c. &c.

(Signed) JOHN BOWRING.

Enclosure in No. 42.

Encl. in No. 42.

HONGKONG.

(Seal.)

ANNO VICESIMO PRIMO VICTORIÆ REGINÆ.

No. 11 of 1857.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the colony of Hongkong and its dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British subjects in China, with the advice of the Legislative Council of Hongkong.

AN ORDINANCE for Licensing and Regulating Emigration Passage Brokers.

Title.

[3d November 1857.]

WHEREAS it is expedient to amend existing legislation with reference to emigrants; Be it enacted and ordained by His Excellency the Governor of Hongkong, by and with the advice of the Legislative Council thereof, as follows:

Preamble.

I. From and after the passing of this Ordinance, no person shall act as a passage broker or in procuring passengers, for or in the sale or letting of passages in any emigrant ship, unless he shall, with two sufficient sureties, to be approved by the emigration officer, have entered into a joint and several bond in the sum of five thousand current dollars to Her Majesty, Her heirs and successors, according to the form contained in Schedule A, hereunto annexed, which bond shall be renewed on each occasion of obtaining such licence as herein-after mentioned, and shall be deposited with the emigration officer; nor unless such person shall have obtained a licence to let or sell passages, nor unless such licence shall be then in force; and where different members of the same firm act as passage brokers, each person so acting shall comply with the terms of this section.

No person to act as a passage broker without having entered into a bond and obtained a licence.

II. Any person wishing to obtain a licence to act as a passage broker, shall make application for the same to the emigration officer, and the emigration officer is hereby authorized (if he shall think fit) to grant such licence according to the form in Schedule B. hereunto annexed: Provided always, that no such licence shall be granted unless such bond as herein-before mentioned shall have been first entered into: Provided also, that any justice or justices of the peace who shall adjudicate on any offence against this Ordinance, are hereby authorized to order the offender's licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said justice or justices making such order shall forthwith cause notice of such forfeiture, in the form contained in the Schedule C. hereunto annexed, to be transmitted to the emigration officer, and such forfeiture shall be exclusive and independent of any other punishment which may be inflicted upon such offender under the provisions of this Ordinance.

How passage broker's licence may be obtained.

Power of justices to order licences to be forfeited.

III. Every person obtaining such licence as aforesaid shall pay to the emigration officer a fee of two hundred current dollars, which fee the emigration officer is hereby empowered and required to demand and receive upon the issuing of any such licence; and the said emigration officer shall pay over all such fees to the Colonial treasurer, to be applied to the Colonial revenue.

Fee to be paid for licences.

How long licences are to continue in force.

IV. All such licences shall continue in force until the 31st day of December in the year in which such licence shall be granted, and for fourteen days afterwards, unless sooner forfeited as herein-before mentioned: Provided that any licence granted before the 31st day of December in the present year shall continue in force till the 31st day of December 1858, and for fourteen days afterwards.

Contract tickets for passages.

V. Every passage broker who shall or may receive money from any person, for or in respect of a passage in any emigrant ship, shall give to every such person a contract ticket, under the hand of such passage broker, and stamped with his seal or trade mark,—each ticket to be printed in a plain and legible type, according to the Form in the Schedule D. hereunto annexed, and to be accompanied with a translation thereof in the Chinese language, in plain and legible characters.

Passage brokers to produce to emigration officer certificate that they have chartered the ship for carrying emigrants.

VI. Every such passage broker before he shall receive or take any money on account of any such passage, or for the sale or letting of the whole or any part of the accommodation of or in any emigrant ship proceeding from Hongkong, shall produce to the emigration officer the certificate of the master or owner of the ship, in respect of which such passage shall or may have been taken, or the accommodation in which shall have been so sold or let, to the effect that such ship has been chartered for the purpose of carrying emigrants, and that he, such passage broker, is authorized to receive payment for such passage, or for the sale or letting of the accommodation in such ship: and such certificate shall be filed in the office of the emigration officer, and the contents thereof entered in a book to be kept by the emigration officer, for recording therein the contents of such certificate.

Passage brokers to attend before emigration officer for the purpose of delivering the contract tickets to passengers.

VII. On every occasion of the delivery to any passenger of such contract ticket as aforesaid, the passage broker who shall have engaged to provide such passenger with a passage shall attend with him at the office of the emigration officer, in whose presence the contract ticket shall be delivered to such passenger, and who shall explain to him the true intent and meaning of such contract.

Contract tickets not to be altered.

VIII. No person shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any person to part with, or render useless, or destroy any such contract ticket, during the continuance of the contract which it is intended to evidence.

Agents not to act without written authority, and to produce their authority on demand.

IX. No licensed passage broker shall, as agent for any person, whether a licensed broker or not, receive money for or on account of the passage of any passenger on board an emigrant ship without having a written authority to act as such agent, or on the demand of the emigration officer refuse or fail to exhibit his licence and such written authority; and no person, whether as principal or agent, shall, by any fraud, or by false representation as to the size of the ship or otherwise, or by any false pretence whatsoever, induce any person to engage any passage as aforesaid.

Penalties for offences.

X. All violations or disobediences of, or defaults in compliance with, the provisions of this Ordinance, shall be heard and determined summarily under Ordinance No. 10 of 1844; and on conviction of such offences, the respective offenders shall be sentenced to pay the several penalties, or in default of the payment thereof, to suffer the several terms of imprisonment respectively herein-after specified.

1. Against section I.

1. For every offence against section one, a fine not exceeding four hundred current dollars, or imprisonment for a term not exceeding six months.

2. Against section V.

2. For every offence against section five, a fine not exceeding fifty current dollars, or imprisonment for a term not exceeding six weeks.

3. Against section VI. and IX.

For every offence against sections six or nine, a fine not exceeding one hundred current dollars, or imprisonment for a term not exceeding three months.

4. Against section VII.

4. For every offence committed by a passage broker against section seven, a fine not exceeding one hundred current dollars, or imprisonment for a term not exceeding three months.

5. Against section VIII.

5. For every offence against section eight, a fine not exceeding fifty current dollars, or imprisonment for a term not exceeding two months.

XI. For the purposes of this Ordinance, the term "emigrant ship" shall mean every ship carrying more than twenty passengers being natives of China, and clearing out for a port or ports not in the Chinese empire; the term "emigration officer" shall include every person lawfully acting as emigration officer, emigration agent, or protector of immigrants in Hongkong; and the term "passengers," shall include all passengers being natives of China.

JOHN BOWRING.

Passed the Legislative Council of Hongkong,
this 3d day of November, 1857.

J. M. D'ALMADA E CASTRO,
for the Clerk of Councils.

SCHEDULES TO WHICH THE FOREGOING ORDINANCE REFERS.

SCHEDULE A.

Form of Emigration Passage Broker's Annual Bond, with two Sureties to be approved by the Emigration Officer.

KNOW ALL MEN by these presents, that we A** B of &c., C D of &c., and E F of &c., are held and firmly bound unto Her most Gracious Majesty Queen Victoria, in the sum of five thousand current dollars, to be paid to Her said Majesty, Her heirs and successors; to which payment well and truly to be made we bind ourselves, and every of us jointly and severally, our heirs, executors, and administrators, and the heirs, executors, and administrators of each of us, and each and every of them, firmly by these presents; sealed with our seals, dated this day of in the year One thousand eight hundred and

Whereas by the "Ordinance for licensing and regulating Emigration Passage Brokers, No. 11, of 1857," it is amongst other things enacted: that no person whatever shall carry on the business of a passage broker in Hongkong, in respect of any emigrant ship, or shall be in any wise concerned in the sale or letting of passages in any such ship, unless such person, with two good and sufficient sureties to be approved of by the emigration officer, shall have previously entered into a joint and several bond to Her Majesty, Her heirs and successors, in the sum of five thousand current dollars; and whereas the said C. D. and E. F. have been approved of by the emigration officer as sureties for the said A. B.

Now the condition of this obligation is, that if the above bounden A. B. shall well and truly observe and comply with all the requirements of the said recited Ordinance, so far as the same relates to passage brokers; and further, shall well and truly pay all fines, forfeitures, and penalties,—and also all sums of money, by way of subsistence money, or of return passage money, and compensation to any passenger, or on his account,—and also all costs which the above bounden A. B. may at any time be adjudged to pay, under or by virtue of any of the provisions of the above-recited Ordinance, or of the Act of the Imperial Parliament 18th and 19th Victoria, cap. 104, entitled, "An Act for the Regulation of Chinese Passenger Ships:" then, and in such case, this obligation to be void,—otherwise to remain in full force.

Signed, sealed and delivered, by the above bounden A. B., C. D., and E. E., in the presence of †

[* Insert personal and family names in full, with the occupation and address of each of the parties.]

[† Insert the names and addresses in full of the witnesses.]

SCHEDULE B.

Form of Emigration Passage Broker's Licence.

A. B. of † having shown to the satisfaction of me, the undersigned, that he hath given bond to Her Majesty, as by the "Ordinance for licensing and regulating Emigration Passage Brokers, No. 11, of 1857," required: I, the undersigned, do hereby license and authorize the said A. B. to carry on the business of a passage broker in Hongkong, in respect of passengers on board emigrant ships proceeding from Hongkong, until the end of the present year, and fourteen days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said A. B., as in the aforesaid Ordinance is provided.

Given under my hand and seal this day of One thousand eight hundred and

Signature

[L.S.]

Emigration Officer.

[† The personal and family names in full of the person applying for the licence, with his address and trade or occupation, must be correctly inserted.]

SCHEDULE C.

Form of Notice to be given to the Emigration Officer of forfeiture of a Licence.

SIR,

This is to give you notice, that the licence granted on the day of 18 to A. B. of † to act as an emigration passage broker, was on the day of now last past duly declared by me (or us), the undersigned justice (or justices) of the peace in petty sessions assembled, to be forfeited.¶

Signatures

Place and date

185

To the Emigration Officer,
Victoria, Hongkong.

[† The personal and family names in full, with the address and trade or occupation of the party, to be here inserted.]

[¶ Here state severally the reason of forfeiture.]

SCHEDULE (D.)

Form of Contract Passage Ticket.

I HEREBY engage that the Chinese named at the foot hereof shall be provided with a passage to and shall be landed at the port of _____ in _____, in the ship or vessel called the "_____" with not less than 72 cubic feet and 12 superficial feet for berth accommodation, and shall be victualled according to Schedule (A.) to the "Chinese Passengers Act, 1855," annexed, during the voyage, and the term of detention at any place before its determination, for the sum of _____ dollars, and I hereby acknowledge to have received the sum of _____ dollars in full payment.

Name of Passenger.	Male.	Female.	Occupation.	Native Place.
	Age.	Age.		

Signature

.Passage Broker.

Victoria, Hongkong, the _____ day of _____ 185 .

I hereby certify, that I have explained and registered the above contract passage ticket.

Signature

Emigration Officer.

Victoria, Hongkong, the _____ day of _____ 185 .

J. J. W. D'ALMADA CASTRO,
For the Clerk of Councils.

No. 43.

No. 43.

COPY of a DESPATCH from the Rt. Hon. H. LABOUCHERE, M.P., to Governor
Sir JOHN BOWRING.

(No. 10.)

SIR,

Downing Street, February 16, 1858.

I HAVE received and laid before the Queen an Ordinance passed by yourself and the Legislative Council of Hongkong on November 3rd last, entitled No. 11 of 1857, "for licensing and regulating Emigration Passage Brokers," the transcript of which was enclosed in your Despatch No. 161 of November 11.*

* Page 71.

I have received the Queen's commands to acquaint you that Her Majesty has been pleased to confirm and allow this Ordinance.

You will cause Her Majesty's decision to be signified to the inhabitants of Hongkong by a proclamation to be published in the usual and most authentic manner.

I have, &c,

Governor Sir John Bowring,
&c. &c.

(Signed) H. LABOUCHERE.

No. 44.

No. 44.

COPY of a DESPATCH from the Rt. Hon. H. LABOUCHERE, M.P., to Governor
Sir JOHN BOWRING.

(No. 175.)

Government Offices, Victoria, Hongkong,

December 2, 1857.

(Received February 2, 1858.)

SIR,

I HAVE the honour herewith to forward a letter received this date from the harbour master regarding the proceedings of a British ship employed in the Havannah Chinese Coolie trade. I entertain little doubt that a bold attempt has been made by the parties concerned to set at defiance the requirements of

Enclosure.

the Chinese Passengers Act. Should punishment not follow in this instance, the example will be speedily imitated by other ships in these seas, and I have therefore to express my hope that every means may be taken to effect the capture of the "Dream" before her cargo is landed.

I have, &c.

The Rt. Hon. H. Labouchere, M.P., (Signed) JOHN BOWRING.
&c. &c. &c.

Enclosure in No. 44.

Encl. in No. 44.

SIR,

Emigration Office, Victoria, Hongkong,

December 2, 1857.

I DO myself the honour to report for the information of his Excellency the Governor, that the British ship "Dream," A. Wilson, Master, of the burthen of 1,106 tons, belonging to the port of Glasgow, Potter, Wilson, and Co., owners, received the harbour master's clearance from this port for that of Macao on the 12th October last; copy of which clearance is herewith transmitted.

It has come to my knowledge that the "Dream" left Macao about the 15th November last, bound to Havana with between 400 and 500 Chinese Coolies on board, thereby completely setting at defiance the Chinese Passengers' Act of 1855.

The first section of the Act clearly defines the "Dream" as a Chinese passenger ship; the fourth section provides that no "Chinese passenger ship" shall proceed to sea without receiving certain papers from the Emigration Officer, and entering into a bond with two sureties. These papers have not been received from me, the Emigration Officer of Hongkong, neither has the bond been entered into.

Section 8 provides that the ship shall be forfeited to Her Majesty for proceeding to sea without the papers described in section 4.

As it appears to me that there can be no doubt of the illegality of the proceedings of the master of the "Dream," and as I deem it to be absolutely necessary that the peculiar traffic in which the "Dream" is engaged should be under strict surveillance, I would respectfully request that the necessary steps may be taken for the seizure of the "Dream," as is provided for in the Act.

I have, &c.,
(Signed) E. R. MICHELL,
Emigration Office

Sub-Enclosure to Enclosure in No. 49.

Sub-Enclosure to
Encl. in No. 49.

PORT CLEARANCE for the "Dream," burthen 1,106 tons, under British colours, Captain Alexander Wilson, bound for Macao, in ballast.

This is to certify to whom it may concern, that the master of the above-mentioned vessel has rendered an account of her import and export cargo, and complied with all the regulations of the port.

(Signed) HENRY GUNTHORPE,
Chief Clerk to the Harbour Master.

Registered at the Harbour Master's Office,
Victoria, Hong Kong, October 12, 1857.

(Signed) E. A. MICHELL,
Acting Harbour Master.

No. 45.

COPY of a DESPATCH from the Right Hon. HENRY LABOUCHERE to
Governor Sir JOHN BOWRING.

(No. 20.)

SIR,

Downing Street, February 25, 1858.

WITH reference to your Despatch, No. 64* of the 10th of April last, respecting the Chinese emigrant ship "Gulnare," I transmit to you for your information the enclosed copy of a report from the Emigration Commissioners.

The question of issuing the instructions suggested in para. 5 has been submitted to the Foreign Office for Lord Clarendon's consideration.

In reference to the concluding paragraph, I have to request that you will state whether the inquiry therein alluded to was made by the emigration officer at Hongkong, and if not, why it was omitted, and that you will give positive directions that it should never be neglected on any future occasion of a similar kind.

I have, &c.

Governor Sir John Bowring. (Signed) H. LABOUCHERE.

No. 45.

Right Hon. H.
Labouchere to
Governor Sir J.
Bowring.

Feb. 16, 1858.

* Page 62.

Encl. in No. 45.

Enclosure in No. 45.

Copy of a REPORT from the Emigration Commissioners to H. MERIVALE, Esq.

SIR,

Emigration Office, 16 February, 1858.

WE have to acknowledge your letter of the 29th ultimo, accompanied by a despatch from the Governor of Hongkong, reporting the circumstances connected with the sailing of the "Gulnare" with Chinese emigrants for the Havannah, and by a letter from the Marine Department of the Board of Trade, calling attention to the great mortality which occurred on the voyage.

2. From Sir J. Bowring's despatch, it appears that the "Gulnare" arrived at Hongkong on the 13th of March, from Swatow, with 432 Chinese emigrants on board; that the next morning the emigrants endeavoured to seize the ship, and, failing in that, to set her on fire; that after a desperate conflict, in which the third officer and one of the crew were wounded, nine of the emigrants shot (killed, we presume, is meant), many more wounded, and three had jumped overboard, the mutiny was put down; that 18 of the ringleaders were afterwards brought to trial and found guilty, and three ordered for execution, of whom one was actually executed, and the remaining 17 transported for life; and that the emigration officer having examined and reported that the "Gulnare" was "provided in every way in a complete and satisfactory manner," she was despatched from Hongkong on the 30th of March with 326 emigrants on board.

3. By the letter from the Board of Trade and its enclosure, it appears that the "Gulnare" did not finally sail from Hongkong till the 1st of April, and that she arrived at Havannah on the 19th August; she was therefore 20 weeks on the voyage. During that time the mortality amounted to 58, or 17.79 per cent.; of those who died, 21 are said to have died of fever, or fever combined with dysentery; 8 of dysentery; 12 of debility, of whom 9 are described as opium smokers; and 3 committed suicide; the remaining 14 died of various diseases. The account gives no further particulars from which it is possible to form any opinion as to the causes of the mortality, or the mode of treating the sick; but we observe among the deaths that of the Chinese doctor, who died on the 8th of June, when the ship had been at sea ten weeks. As, however, 26 deaths had occurred before this, and as under any circumstances the rate of mortality in a sickly ship would be likely to increase the longer she was at sea, we can hardly infer that the greater mortality in the latter ten weeks was attributable to the loss of that officer. We presume that a duly qualified surgeon was on board in addition to the native doctor.

4. We fear that there would be no possibility, at this distance of time and place, of instituting any effective inquiry into the causes of the lamentable mortality in the ship. The report of it did not reach the Board of Trade until the 19th ultimo, exactly five months after the "Gulnare" arrived at Havannah, and as a ship's log is not, under the Merchant Shipping Act (sec. 286), delivered in to the Board of Trade until the arrival of the ship in this country, a delay sufficient to embarrass, if not defeat inquiry, must always intervene between the landing of African or Asiatic emigrants in the West Indies and the report of the circumstances of the voyage in this country.

5. The only means of obtaining an effectual inquiry into cases of this nature is by an investigation on the spot immediately on the arrival of the ship. Such an inquiry would, as a matter of course, be instituted in any British colony on the arrival of an emigrant ship with a loss of a large proportion of her emigrants. In foreign ports a similar inquiry might, we presume, be instituted by Her Majesty's Consuls; and as Havannah is the principal foreign port in the West Indies to which emigrants are conveyed in British ships, we would submit that the Consul at that port should be instructed, whenever a British ship arrives there with emigrants, to inquire into the circumstances connected with the voyage, and especially to endeavour to ascertain the causes of any mortality which may have occurred, and the different forms of treatment adopted in different ships; even if such inquiries should not reveal anything requiring the Consul's immediate intervention, the information obtained might be of great value in framing regulations for the future management of Chinese passenger ships.

6. In respect to Sir J. Bowring's report on the "Gulnare," we may perhaps be allowed to point out an omission which appears to us remarkable. The circumstances connected with that vessel proved that the emigrants were unwilling to proceed in her, and would suggest, therefore, that they might have been collected on board either by force or fraud. To prevent such a transaction, the regulations attached to the Chinese Passengers' Act provide that the emigration officer shall not give his clearing certificate until he shall have mustered the passengers, and ascertained to the best of his power that they understand whither they are going, and the nature of the contract into which they have entered. It would not be fair to infer, because Sir J. Bowring has not mentioned it, that the emigration officer did not comply with this particular regulation; but under all the circumstances of the case, the very cursory way in which the emigration officer's inquiry is mentioned, and the total omission of all reference to this essential point, appear to us so remarkable, that we think it right to notice them. We must also point out that no allusion is made to any medical examination of the people before the emigration officer's certificate was granted.

We have, &c.,

(Signed)

T. W. C. MURDOCH,
FREDERICK ROGERS.

No. 46.

No. 46.

COPY of a DESPATCH from Lord STANLEY to Governor Sir JOHN BOWRING.

(No. 7.)

SIR,

Downing Street, March 16, 1858.

I TRANSMIT herewith copies of a correspondence which has taken place between the Foreign Office and the Emigration Commissioners on the subject of the great mortality which has taken place on board ships conveying Chinese emigrants to Cuba.

I request that you will furnish me from time to time with returns of vessels clearing out from Hongkong under the Chinese Passengers' Act, and with any information which it may be in your power to supply respecting British vessels taking passengers at other ports without complying with that Act.

I have, &c.

(Signed) STANLEY.

Governor Sir John Bowring,
&c. &c. &c.

Foreign Office,
Feb. 15, 1858.

Emigration
Commissioners.
March 6, 1858.

Enclosure 1 in No. 46.

Encl. 1 in No. 46.

SIR,

Foreign Office, February 15, 1858.

I AM directed by the Earl of Clarendon to transmit to you the accompanying copy of a despatch from Mr. Crawford, Her Majesty's Consul-General in Cuba, enclosing a statement, showing the number of Chinese Coolies introduced into that island between the 1st January 1847 and the 31st December 1857, and also showing the number of deaths that have taken place on the voyage, and I am to request that in laying these papers before the Colonial Land and Emigration Commissioners, you will move them to favour Lord Clarendon with any observations which they may have to offer with regard to the great mortality which appears to have taken place on board British ships engaged in transporting Chinese to Cuba. Lord Clarendon desires me further to request that the Commissioners will inform him, if they have the means of doing so, whether the provisions of the Chinese Passengers' Act are complied with by British vessels engaged in carrying Chinese passengers to Cuba.

S. Walcott, Esq.
&c. &c.

I have, &c.,
(Signed) SHELburnE.

MY LORD,

Havana, December 31, 1857.

WITH reference to your Lordship's despatch, S. T. No. 35, dated the 30th ultimo, the receipt of which I have the honor to acknowledge, with its enclosures upon the subject of the trade in free colonists from China, I have to observe that it has been on board of some of the British vessels which have brought Chinese to this port, subsequent to the enactment of the laws for regulating such passenger vessels, that the greatest mortality has occurred upon their voyages from China attributable only to the previous condition of the colonists themselves, and in some degree to the qualities of the water, which was taken in at some of the places where they called on their way here.

I beg leave to lay before your Lordship a concise abstract from the archives of this office, which shows the number of ships of the several nations, and their tonnage, number of passengers landed, and the deaths on board.

It is distressing to reflect that the extract from the "New York Herald" is in the main correct. The mortality has been enormous until now on board of these passenger vessels, but it is to be hoped that it will be less in future, because the effects of the opium, which the Chinese smoke to great excess, will be better attended to, and tobacco be allowed them, so as to wean them of that pernicious habit by degrees, instead of taking it from them all at once,—a practice which proved fatal to so many of them who had been used to smoke, and otherways consume the opium to great excess, and more pains will be taken in selecting transports with more perfect ventilation, and having better accommodation, as well as by providing better provisions and water. Towards these desirable requisites the activity and intelligence of the inspectors of passenger vessels might be directed with great advantage, and their sailing qualities should be attended to; indeed they ought all to be furnished with screw propellers.

I have, &c.

(Signed) J. T. CRAWFORD.

LIST of CHINESE LABOURERS imported into HAVANA up to 31st December, 1857.

Nationality of Vessel.	No. of Vessels.	Tonnage.	Chinese embarked.	Chinese landed.	Deaths on the Voyage.	Percentage of Mortality.	Remarks.
British -	26	18,549	9,606	8,215	1,391	14 $\frac{1}{3}$	Many of the Chinese jumped overboard.
American -	9	7,832	3,910	3,538	372	9 $\frac{3}{4}$	
Dutch -	8	5,003	2,773	2,463	310	11 $\frac{1}{4}$	
French -	6	4,453	2,825	2,478	347	12 $\frac{1}{4}$	Screw steamer of 1,600 tons brought 842, and lost besides 58 Chinese.
Spanish -	5	2,038	1,779	1,489	290	11 $\frac{1}{4}$	
Portuguese -	3	1,246	1,049	1,021	28	2 $\frac{3}{4}$	
Peruvian -	3	2,484	1,314	812	502	38 $\frac{1}{4}$	Cord lost 117 out of 292 ; cause, bad water.
Bremen -	1	560	249	236	13	5 $\frac{1}{2}$	
Norwegian -	1	470	221	179	42	19	
Chilian -	1	250	202	155	47	23 $\frac{1}{2}$	
Total -	63	42,930	23,928	20,586	3,342	14	{ From June 3, 1847, to Dec. 31, 1857.

Havana, December 31, 1857.

(Signed) J. T. CRAWFORD,
Consul-General in Cuba.

Encl. 2 in No. 46.

Enclosure 2 in No. 46.

EXTRACT of a REPORT from the EMIGRATION COMMISSIONERS to H. MERIVALE, Esq.,
dated, Emigration Office, March 6, 1858.

" WE have to acknowledge the Earl of Shelburne's letter of the 15th ultimo, enclosing a Report from Her Majesty's Consul-General in Cuba, on the subject of Chinese immigration into that island during 1857, and desiring us to offer any observations which may occur to us in regard to the mortality which took place in the British ships engaged in this traffic, and to state, as far as we have the means of doing so, whether the provisions of the Chinese Passengers' Act are complied with by British vessels carrying Chinese passengers.

" 2. From the Schedule attached to Mr. Crawford's despatch, it appears that 63 vessels, measuring 42,930 tons, took on board for Cuba 23,928 Chinese passengers ; that of these 3,342 equal to 14 per cent. died on the passage, that of the above 63 ships, 26 measuring 18,549 tons were British, and that these British ships embarked 9,606 passengers, of whom 1,391, equal to 14.48 per cent., died on the voyage. Mr. Crawford gives no specific information in respect to the causes of this great mortality, but attributes it in general terms to the state of the passengers at the time of embarkation, to the badness of the water on board, and to the sudden withdrawal of opium from those accustomed to smoke it.

" 3. From a return of so very general a nature no inference can be drawn. The only facts which it shows bearing at all on the question of mortality are the numbers embarked compared with the tonnage of the vessels which carry them. But they bear apparently no relation to the number of deaths. Thus the space in the British ships, assuming their tonnage as a criterion, is rather above the average, yet their mortality is also above the average mortality. But the most striking contrast is between three Portuguese and three Peruvian vessels comprised in the return. In the three Portuguese vessels measuring 1,246 tons, 1,049 passengers were embarked of whom only 28, equal to 2 $\frac{3}{4}$ per cent., died. In the three Peruvian ships measuring 2,484 tons, 1,314 passengers were embarked, of whom 502 or 38 $\frac{1}{4}$ per cent. died. Thus while the tonnage of the ship was doubled, and the number of passengers increased by only one-fourth, the mortality was multiplied 14 fold. It is indeed stated that one of these vessels lost 117 out of 292 by bad water, but even deducting this vessel, the mortality in the two others would be 37.67 per cent, or 13 $\frac{1}{4}$ times as great as in the Portuguese ships.

" 4. With such opposite results in the only facts which the return discloses, it is impossible to draw any inference from it, and we regret to say that the other information at our command does not enable us to supply the deficiency. We have scarcely any information on the subject of Chinese emigration during 1857, beyond what is comprised in the letters from the Foreign Office to the Colonial department of 6th June and 17th August last, which were communicated to us by Mr. Labouchere's directions. But the facts stated in the enclosures to those letters show that the collection of emigrants in China is carried on in a very irregular and unsatisfactory manner, and without those precautions which are necessary to ensure that the people put on board are voluntary emigrants, and at the time in a fit state of health to undertake the voyage. Those circumstances, taken in connexion with such particulars as reach us from other quarters,

lead us to believe that a large portion of the mortality is probably attributable to the habits of life of the people who embark and to their state of health at the time of embarkation."

No. 47.

COPY of a DESPATCH from Governor Sir JOHN BOWRING to the Right Hon. HENRY LABOUCHERE, M.P.

(No. 38.)

Government Offices, Victoria, Hongkong,
March 27, 1858.

No. 47.

Governor Sir J.
Bowring to the
Right Hon. H.
Labouchere, M.P.
March 1858.

SIR,

(Received 21st May, 1858.)

I HAVE the honour to inform you, that in compliance with your instructions conveyed in despatch No. 101,* dated 18th August 1857, proceedings were taken to enforce the payment of the bond signed by Messrs. Lyall, Still & Co., in the case of the "John Calvin," and yesterday a verdict was given for the Crown for the amount of the said bond, viz. 1,000/., the jury having appended to their verdict the opinion which you will find referred to in the various documents which I now enclose.

* Page 68.

I received from Messrs. Lyall, Still & Co. the application, of which I send copy, requesting that I should stay the execution for the penalty involved in the verdict. I could not consent to this in a case where I have been acting under your direct instructions, but I have expressed my willingness, under the peculiar circumstances of the case, to recommend to you a mitigation of the said penalty.

No. 1.

I forward herewith letters from the Chief Justice and the Attorney-General, by which you will see that such mitigation would be deemed by both a becoming act on the part of the Government.

No. 2.

No. 3.

Had not the prosecution been instituted in consequence of your directions, I should not have hesitated in suspending the payment of the bond. The house condemned is one of great respectability; it availed itself of no legal quibble or technicality to escape responsibility, and I am persuaded there was no intention or desire on the part of Mr. Lyall to evade the requisitions of the law.

Mr. Anstey has availed himself of the opportunity to make some observations on the Coolie trade, which is undoubtedly associated with horrible cruelties and crimes. Several documents I have lately forwarded to the Earl of Clarendon will, I doubt not, excite his Lordship's attention; and, perhaps, you may think it desirable to convey to the Foreign Office Mr. Anstey's statements as to the character of the contracts entered into with Coolies shipped for the Havannah.

I have, &c.

Right Hon. Henry Labouchere, M.P.
&c. &c. &c.

(Signed) JOHN BOWRING.

Enclosure 1 in No. 47.

SIR,

Hongkong, March 25, 1858.

Encl. 1 in No. 47.

IN reference to the cause which was tried to-day in the Supreme Court, of the Queen against ourselves, in the matter of the "John Calvin," we have the honour to inform you that a verdict was found for the plaintiff, but that the jury unanimously appended to their verdict the expression of their opinion, "that the ship, 'John Calvin,' was fitted and properly equipped for the purpose; that there was ample provision, space, and accommodation in the ship for the number of passengers taken in the ship; that the mortality arose alone from the act of God; and that the act of the emigration officer, in not landing all on board in excess of the 81 named in the certificate, may have misled the owners."

From what fell from his Honour the Chief Justice and the Honourable the Attorney-General in the course of the trial, we believe we are correct in stating that they quite concur in this expression of opinion on the part of the jury; and we would therefore solicit from his Excellency the Governor the indulgence that he would give directions for stay of execution for the penalty involved in the verdict until the matter can be brought to the notice of Her Majesty's Government, and the pleasure of Her Majesty be known thereon.

We have, &c.

(Signed) LYALL, STILL, AND CO.

To the Hon. W. T. Bridges, Esq., D.C.L.
Acting Colonial Secretary,
&c. &c. &c.

Encl. 2 in No. 47.

Enclosure 2 in No. 47.

SIR,

Hongkong, Friday, March 26, 1858.

WITH reference to the case of the Attorney-General v. Lyall and Still, I beg to repeat what I stated from the Bench yesterday, that I feel assured when the home authorities have the whole matter before them, when they are made acquainted with the very fair, upright, and honest conduct of the defendants, who, as owners of the ship "John Calvin," evinced throughout the utmost anxiety to comply with every requirement of the Chinese Passengers' Act of 1852, they will not insist upon forfeiture of the bond. The Crown having, with the laudable view of inquiring into the real cause of the awful mortality which occurred on board the "John Calvin," thought fit to institute legal proceedings, I allowed the whole case to be fully entered into, although in the view I took as to the legal construction to be put upon the 18 & 19 Vict. c. 104, the greater portion of the matter introduced was irrelevant, strictly speaking.

I directed the jury that, inasmuch as there were on board a greater number of Chinese passengers than specified in the certificate of the emigration officer, their verdict must be for the Crown. I, at the same time, told them that they were at liberty to find any facts specially if they so thought fit. They, accordingly, found—

"That there was ample space and accommodation and sufficient provisions for the number of passengers actually on board, and that the mortality on board was the act of God. That the ship was in every respect properly equipped, and that the fact of the emigration officer having allowed the excess of passengers above 81 to remain on board was calculated to mislead the captain and owners."

I have, &c.

The Hon. the Acting Colonial Secretary.

(Signed) JOHN WALTER HULME.

Encl. 3 in No. 47.

Enclosure 3 in No. 47.

Attorney-General's Office, Hongkong,
March 26, 1858.

SIR,

THE Crown Solicitor has informed you that in the case of "The Attorney-General v. Lyall and another," I obtained a verdict yesterday before a special jury of seven, for the full penalty of the bond given by the defendants and their absent principal, Mr. Thornhill, late master of the "John Calvin."

I did not oppose the wish of the jury to append to their verdict a recommendation of the claims of Messrs. Lyall and Still, the defendants, to the favourable consideration of his Excellency in respect of the remission of the penalty, or the stay of execution. There can be no doubt that the vessel was well found in all respects for the number of Coolies actually on board, that the mortality of the middle passage was the act of God, and that, by Mr. Hillier's informing Messrs. Lyall and Still that he should not order the number of Coolies in excess of 81 to be reloaded here, that lamented and most excellent officer did mislead Messrs. Lyall and Still as to his powers, their liabilities, and the intentions of Government.

Moreover, I am bound to acknowledge the fair and honourable frankness with which every particle of evidence, however inadmissible on strict principles of law, was allowed by the defendants to be used on the part of the Crown, it being their own desire that the whole of the facts should be before the jury. And I must here remind his Excellency that this too was their conduct from the beginning. If they had not furnished his Excellency's Government, when first applied to, with the extract from the master's letter from the Havannah, detailing the important particulars of his voyage, the action could not have been tried at all, or at least not until the questionable expedient of commissions to the Havannah and elsewhere had been tried and succeeded. In truth, they have been cast by evidence which themselves furnished.

I mention these facts, because they are highly creditable to the defendants, and deserve to be recorded.

There are, however, some observations on other questions arising out of this trial which I wish to lay before his Excellency, since they go to show the importance of a still more thorough revision of the Chinese Passengers' Act, 1855, than it is undergoing or has hitherto undergone.

One good result has been obtained, the closing (by Ordinance, No. 9, of 1856, approved by Her Majesty) the door to all hope of evasion of the "definition" of "Chinese passenger ship," contained in section I. of the Imperial Act. By that Ordinance, vessels clearing out hence for any port, with intent there to commence the voyage of more than seven days' duration, shall be deemed to have commenced it at this port.

If the draught Ordinance for the further amendment of the Act, which stands for discussion to-morrow in Council, shall be allowed to pass into a law, a far more mischievous fraud upon the enactment will have been prevented for the future. By extending the meaning of "Chinese passenger ship," so as to bring within the several enactments of the Act, applicable respectively to the case, all passenger ships managed or conducted by persons here, but themselves lying in roads or harbours outside our waters, a disgraceful traffic exclusively carried on by citizens of American republics, northern and southern, by

one French firm, by one German firm, and other foreigners abusing the shadow of British protection, and opposing British law to Chinese prohibition, must infallibly be rooted out.

But I submit to his Excellency that the revision should not stop here.

The disclosures that were made in the course of the proceedings yesterday, of frightful abuses beyond the control and even the knowledge of the owners and masters of these ships, in many cases appear to call for further legislation; and as much of the mischief is beyond the competence of a single Colonial Legislature to correct, the whole case might very fitly receive the consideration of the Imperial Parliament.

It is impossible to peruse the Spanish form of contract presented to Mr. Hillier by the late Consul for the Spanish Queen at this port, and not to see that every one of the Coolies who accepted the terms therein specified and is now in the Havannah, is in fact a slave for the period of his service.

Let his Excellency take that document and compare it with the carefully and mercifully worded form of contract used by this Government for the purpose of Coolie emigration to our own colonies ("Papers and Instructions relating to Emigration from China," January and March 1853), and Sir John Bowring cannot fail to be struck with the contrast.

Bearing in mind what are the securities which his own Government provides in such cases, what will not be his Excellency's indignation to be told that, where the Spanish shippers and their foreign abettors have unrestrained liberty of action, these are the terms which they impose upon their emigrants, and which are published by themselves under the sanction of their own consular agents:—

1. To work for eight years in Cuba, under the orders of the speculator or his assigns, for the contract is negotiable or transferable, and whether at prædial labour or domestic, and whether for private persons or for governmental establishments (including, of course, the mines), the selection to be entirely at the discretion of the undertaker.

2. Hours of sickness are not to be included in the melancholy computation of the labour term, nor is that to be deemed to have begun on the immigrant's arrival, if sick at that time, but only from the period of his restoration to health.

3. No limitation on the master's right to regulate the duration of a day's labour is allowed, except that the bondsman is to have his "*horas seguidas de descanso y el tiempo preciso ademas para la comida y el almuerzo*," nor is even Sunday an exception in this respect.

4. The wages (in the principal case, 4 dollars *per mensem*) are to cease, and revive with the health and vigour of the Coolie, whose daily food is limited moreover to a half-pound of salt meat, and two pounds and a half of vegetables.

5. That these allowances are short of the usual rate in Cuba may be inferred from the concluding significant stipulation, that, "although I know and ascertain (*aunque yo se' y me consta*) that far greater are the earnings of free labourers and slaves (*jornaleros libres y esclavos*) in the island of Cuba, I will conform myself to the wages stipulated.

6. Subjection to the "order and discipline" of the "establishment," &c., destined to the immigrant, and especially to the "system of correction" imposed therein, to supply the deficiencies of Spanish law; by way of punishment for "default of application and constancy in labour," for "disobedience of the orders of the master or his agents," and for "all such like faults;" and the denial of all right to transfer himself to another master.

7. Renunciation clear and express of all right of action or suit against the same personages; and in particular,

8. Renunciation of all benefit of protection under the ordinances of Isabella II. of 22d March 1854 (Articles 27, 28, 43, 44, and 45), touching colonisation, rescision of contracts and payments of wages, and also of all other laws and dispositions touching the same, hereafter to be published.

It is not uncharitable to suppose that at Macao, Amoy, Swatow, Cumsingmoon, and other ports in our neighbourhood, this infamous form of agreement is carried through in all cases without scruple, as without check.

In the particular case, Mr. Hillier so far amended it that he struck out the "renunciations" last mentioned, and added a clause imposing on the undertaker the condition that no Coolie was to work for more than 12 hours per diem, upon the average.

But these amendments were obviously far short of the exigency of the case.

It must be remembered also, that there being no provision for compelling the emigration officer to re-land all alleged emigrants denying their supposed contracts, no less than 206 recusant persons therefore, in whose favour he had not interfered for the purpose of making any such amendments, and some of whom were, as he certifies, "mere children" and unfit for such undertaking, were, in fact, carried to sea along with the 81; and that of these, all who did not die on the passage are now at Havannah, bound by the common form of engagement; but unprotected by the special clauses which Mr. Hillier introduced in favour of the rest.

I think that such a provision for the compulsory re-landing of passengers ought to be immediately recommended for adoption.

But I further think that no power to clear and pass emigrant labourers, under any contract like the above, ought to be vested in any British officer so long as the slave trade is a crime.

The indefinite power of coercion; the want of reciprocity with respect to complaints on the score of wages and food; the sordid calculation of *hore non* of sickness, no matter how necessarily incident to the nature of the employment; the arbitrary power to transfer and assign the servant; the arbitrary denial of all power to the latter to exchange masters; the enormous duration of service, if taken in combination with the probable nature thereof; and the bold avowal of a right of chastisement not recognized even by Cuban law: these are surely ingredients whose compound is nothing else than unadulterated slavery.

I will go further; the contract is not one of hiring and service at all; and the laws of "master and servant" are entirely out of place. It is a contract with A. by B. to work not for A. alone, but for all the other letters of the alphabet; an undertaking not protected by the letter, and to say the least, inconsistent with the spirit of the law, and the policy of Great Britain, whose dominion this island unquestionably is.

If, indeed, we were bound by our Chinese treaties to tolerate or give effect to such enterprises, that would change the situation of the case; but the truth is far otherwise. British law is strained, evaded, and violated; and British policy and honour brought into serious embarrassment for the protection of a traffic prohibited by Chinese law, and carried on within British jurisdiction by aliens, audaciously pretending to be aggrieved because they are threatened by the British authorities with the same restraints to which British subjects are by law amenable.

I take the liberty of enclosing the document which has given rise to these remarks. On receiving it back, I will cause it to be restored to the registrar; his Excellency will see that I have altered the order of arrangement, but not the effect, in my analysis.

An Act of Parliament, were it possible to obtain one, for the amendment and consolidation of the Chinese Passengers Act, the local ordinance, and the practicable clauses of other enactments of Parliament *in pari materia*, would be a great boon to humanity; for to do complete justice to the present need is only within the power of Parliament. If this be not to be hoped for, much partial good may be done by local legislation; and I shall be very ready, on receiving instructions to that effect, to prepare the proper ordinance.

In conclusion, I have to acknowledge, whilst perusing this last sheet of my present communication, your letter (No. 163) of this date, on the subject of the principal case.

I have already stated what took place at the trial, and I need not say that I fully concur in the entire verdict.

The case, so far as Messrs. Lyall are concerned, is a very hard one.

No one pretends that, as owners, they are liable under the Act. They had no part in the violation of any one of its provisions.

But they were also sureties, and it is solely in that character that they are reached, for their master's performance of his obligations.

Honestly ignorant, perhaps, that Mr. Hillier had no power to connive at his violations of the Act, or perhaps that they were such, he did violate it merely in proceeding to sea with a number of passengers in excess of the 81, for whom the emigration officer had granted his certificate. Thereby he forfeited his bond, and caused the same forfeiture to fall upon his two sureties.

It is right to mention also that Mr. Lyall, in his evidence yesterday, in support of his own case, stated that, on Mr. Hillier's saying, "You must act on your own responsibility, I shall not order the rest to be re-landed here," he, Mr. Lyall, informed Mr. Hillier; and afterwards the Colonial Secretary, that under these circumstances he must desire the master to re-land them at Macao (whence most of them had come), on his way to the Havannah; or, if they preferred that, to take them on from Macao, when he got there, to the Havannah. He added that neither assent nor dissent being signified by those two officers, he gave his orders accordingly to the master, and, as he presumed, the master obeyed them under the same impression with himself.

Mr. Weatherhead, I find, has quitted his office, it being after hours; but on the re-opening of the office to-morrow, I shall forward some proofs bearing on this part of the case.

I have, &c.

(Signed) T. CHISHOLM ANSTEY.

Encl. 4 in No. 47.

Enclosure 4 in No. 47.

SIR,

Attorney-General's Office, March 27, 1858.

12.
(Sent in original.)

I HAVE the honour, with reference to my letter of yesterday, to forward the enclosed documents selected from among those produced, and read at the trial of the Attorney-General *v.* Lyall and another on behalf of the Crown. They belong now to the Supreme Court.

Also a copy of my own notes of Mr. Lyall's own examination and cross-examination is herewith sent; it includes the summing-up also.

I omitted to state yesterday, that not being able to reconcile it to my sense of justice to mulct these defendants of the amount to which they are liable to me under a recent

ordinance for my fees, I have directed Mr. Hazeland (acting for his absent partner, Mr. Cooper Turner, the Crown Solicitor,) to omit them from his bill of plaintiff's costs in the action.

The Hon. W. T. Bridges, Esq., D.C.L.,
Acting Colonial Secretary.

I have, &c.
(signed) T. CHISHOLM ANSTEY.

Enclosure 5 in No. 47.

Encl. 5 in No. 47.

In the Supreme Court.

Attorney-General v. Lyall and another.

Copy of the Attorney-General's Notes of Defendant Lyall's Examination and Cross-Examination.

The Honourable George Lyall, examined by Mr. Day, states :—

"My partner and I were in 1856 owners of the 'John Calvin.' It was intended to send to Havannah 301 passengers. In the beginning of March they were all on board. The late Mr. Hillier was then emigration officer. I had frequent communications with him on the subject. I gave him notice of the intention to carry those passengers. He was aware of the day of her sailing. He went on board several times to inspect her. On the first occasion he found there were only 80 who wished to go. He spent about three days in investigating the case on board. He then told me that he was so thoroughly convinced that they were not ill used, that he would not re-land them. He read the contract to them in my presence. He told me that he was perfectly convinced they knew where they were going, and that they knew the nature of their contracts; and he said, he believed they were practising fraud on us; which he would defeat, by not ordering them to land here. I told Mr. Hillier that I should give instructions to the captain to take them to Macao, and land them all there, if they would not go on to Havannah. I told Mr. Mercer (the Colonial Secretary) the same; he said he had been so informed by the emigration officer. They both of them said, I must do it on my own responsibility. She sailed the next day. There were 301 originally; 297 sailed, four were landed (I think by Mr. Hillier), one or two of them for punishment; I forget what the others were landed for. [Is shown the passengers' list.] There are some marked here as not on board. [Is shown his letter, dated 'Tuesday evening,' beginning 'The other men'.] That letter refers to a proposal to substitute some men in place of the recusants. It was not carried into effect.

"The vessel was equipped with necessaries and medicines for 302 days."

Cross-examined by the Attorney-General; states—

"By an arrangement with Mr. Hillier, she was to replenish her fuel and water at St. Helena, not having stowage for the whole voyage; with that exception, she was equipped with necessaries for the whole way. [Is shown the Colonial Secretary's note, dated 'Tuesday morning,' beginning 'Dear Hillier—About Mr. Rozario.'] The conversation there referred to by Mr. Mercer I believe to be the one I have already mentioned. [Is shown the draft minutes of Mr. Hillier.] They are perfectly correct, I have no doubt; but I have no doubt of the accuracy of the additional facts I have above stated. I need not say that I do not for a moment believe that Mr. Hillier meant otherwise than most fairly. I had nothing to do with the Coolie contracts; I was only an owner of the vessel employed to take them."

Copy of the Attorney-General's Notes of the Chief Justice's summing-up.

C.J.—"I do not think I need trouble you, Mr. Attorney-General, to reply. It is only matter of law, and I am quite with you.

"Gentlemen, I do not agree with Mr. Day's law at all. If you believe the evidence of Captain Thornhill's letter, you must find a verdict for the Crown.

"Nevertheless, I did not wish to prevent the defendants from going into the whole case, however irrelevant.

"I do not consider that it was necessary to add an express enactment that the certificate of the emigration officer must be an accurate one. That is implied. Otherwise these Acts will always be evaded.

"But you are fully at liberty to append to your verdict a recommendation to the favour of the Crown, if you think that there was, in fact, ample accommodation, and that the frightful mortality on board was the act of God."

The jury, after a minute's consultation, returned their verdict thus :—

"Our verdict is for the Crown; and we are fully satisfied that the vessel was in every way fitted and provisioned for the voyage; that the mortality was the act of God; and that the emigration officer, by not ordering the re-landing of the Coolies in excess of 81, might have misled the owners."

True copy.

Hong Kong, March 27, 1858.

(signed) T. CHISHOLM ANSTEY, A.G.

No. 48.

No. 48:

Governor Sir J.
Bowring to the
Right Hon. H.
Labouchere, M.P.

Copy of DESPATCH from Governor Sir JOHN BOWRING to the Right
Honourable H. LABOUCHERE, M. P.

(No. 48.)

Government Offices, Victoria, Hong Kong.

April 12, 1858.

(Received June 3, 1858.)

Sir,

* Page 79.

WITH reference to my despatch, No. 38* of 27th March last, I have the honour to forward to you the enclosed letter to your address from Messrs. Jardine, Matheson & Co., Dent & Co., and other firms, praying a remission of the penalty inflicted on Messrs. Lyall, Still & Co. as sureties in the case of the "John Calvin."

I have, &c.

The Right Hon.
Henry Labouchere, M. P.
&c. &c.

(signed) JOHN BOWRING.

Encl. in No. 48.

Enclosure in No. 48.

Sir,

Hong Kong, April 10, 1858.

WE venture to address you, not only unsolicited, but without the cognizance of the parties interested, with reference to the proceedings recently instituted in the Supreme Court of this colony by Her Majesty's Attorney-General against Messrs. Lyall, Still & Co., as sureties to a bond for the due fulfilment by the master of the British ship "John Calvin," of the provisions of the Chinese Passengers' Act, in the hope that you will be pleased to give the case your liberal consideration, for we feel that in the event of the penalty to which they have subjected themselves being enforced, it would, under peculiar circumstances, press with great hardship upon those gentlemen.

We do not wish, Sir, to deny that the defendants may have rendered themselves liable to the fine decreed, according to the strict letter of the law; but a careful review of the whole case abundantly shows that there was no attempt at concealment in any one of their acts; and the evidence on the trial is equally conclusive as to the fact of the vessel being adequately fitted and provisioned for the voyage, as well as fully competent, under the certificate of the emigration officer himself, to convey the number of passengers that were on board; while it is recorded as the unanimous opinion of the jury, concurred in by his Honour the Chief Justice, that the frightful mortality that took place during the voyage was the act of God alone, and in no way attributable to negligence or want of proper care or precautions on the part of Messrs. Lyall, Still & Co. It was, moreover, expressly stated by the Attorney-General on the trial, that it was not as owners of the vessel that he charged the defendants, but solely as sureties to the bond. We would further respectfully submit, Sir, that had the emigration officer strictly done his duty, by ordering the Chinese passengers on shore when they demurred to going on the voyage, no ground for the recent proceedings would, in all probability, have arisen; whereas the course adopted by that functionary was doubtless calculated to mislead, if it was not the sole cause of the whole irregularity.

We trust therefore, Sir, after a careful perusal of the evidence elicited on the trial, and on consideration of all the circumstances connected with the transaction, you may be pleased to take a favourable view of the position of the defendants, and to sanction the remission of the penalty.

We have, &c.

(signed)

JARDINE, MATHESON & Co.

DENT & Co.

TURNER & Co.

LINDSEY & Co.

BIRLEY & Co.

GILMAN & Co.

BLENKIN, RAWSON & Co.

FLETCHER & Co.

W. H. WARDLEY & Co.

GIBB, LIVINGSTON & Co.

To the Right Hon. H. Labouchere, M. P.,
Her Majesty's Principal Secretary of State for the Colonies,
&c. &c. &c.

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Shri Brihad Bhartiya Samaj

on 24 February, 2020

H O N G K O N G.

COPIES OF EXTRACTS OF CORRESPONDENCE between the Colonial Department and the Governor of Hong Kong, and between the Colonial Department and the Foreign Office, on the subject of EMIGRATION from HONG KONG and from the CHINESE EMPIRE to the BRITISH WEST INDIES and to FOREIGN COUNTRIES and their POSSESSIONS, since the 1st of January 1853.

PART I.

(*Mr. Hamilton.*)

Ordered, by The House of Commons, to be Printed,
27 July 1858.

[*Price 1*⁄*s.*]

481.

Under 12 oz.